

company in recent weeks has informed staff restoration efforts are likely to continue until "at least" July 30.

According to Rover, FERC staff in May authorized service to commence on a main segment of the pipeline called Supply Connector Line B. But in doing so, staff withheld granting in-service authorization for two laterals pending further review.

"As a result of staff's inaction, significant volumes of natural gas have been unable to flow on pipeline facilities that have been completed for nearly a month," Mr. Sonneborn wrote. "This is unfortunate, because...the incremental natural gas supply that would have been available to flow would have been used to offset the large deficit the nation is facing to replenish storage inventories in preparation for the 2018-2019 heating season...."

Failure to act soon, the company claims, is outside "the public interest." But FERC declined to be persuaded by the company's comments. Staff instead responded with a formal notice directing the company to complete outstanding restoration activities at those two Ohio sites.

"Because restoration of these facilities was not complete at the time of in-service authorization, Rover committed to completing the remaining restoration activities by specific dates," wrote John Wood, FERC's deputy director of the Office of Energy Projects. "However, commission staff monitoring certificate compliance believes that rover will be unable to meet a number of those commitments...."

As a result, staff directed Rover to take "prompt and immediate action" and to file prior to July 9 a detailed account of why the company cannot adhere to the agreed upon timetable.

"Neither the commission nor its staff takes lightly a pipeline's commitments to restore and rehabilitate affected lands," Mr. Wood said. "Accordingly, the commission expects pipelines to follow through on their commitments to restore and rehabilitate land and other resources disturbed by the construction of a certificated pipeline."

In response, Mr. Sonneborn issued a second letter this week leveling further attacks, accusing FERC staff of making "several inaccurate statements" toward the project and the company's willingness to fulfill its land restoration commitments.

"For the record, and as Rover has stated previously in this docket on numerous occasions, Rover will honor and meet all of its restoration commitments - whether those are scheduled to occur before or after Rover is fully in service," Rover wrote. "Any implication to the contrary is simply untrue."

Rover now is also accusing FERC staff of "a fundamental misunderstanding" of how the restoration process works.

"A company can supply ample resources, equipment, and personnel to restoration efforts; however, the variable of weather, and therefore the pace of restoration, is simply outside of any pipeline's control," Rover wrote. "There is no amount of planning or resources that can change the reality that on any major pipeline project there are always going to be changes to the restoration schedule due to events outside of the pipeline's control."

The company's public pushback accusing FERC of stating falsehoods is much like the back-and-forth Rover has engaged in with the Ohio Environmental Protection Agency. Rover and the OEPA have engaged in a months-long back and forth with Rover accusing OEPA of cooperating with the company in private but taking an adversarial approach in public.

That tiff ultimately led to a lawsuit filed by the state, which Rover and several other defendants have filed to dismiss. (See Gongwer Ohio Report, March 5, 2018)

Public Comments Continue On State, Federal Lifeline Proposals

Stakeholder groups and citizens are continuing their efforts to thwart state and federal proposals that would eliminate in whole or in part a federal discount program for low-income customers.

At the state level, AT&T is proposing to discontinue its participation in the federal Lifeline program - which grants eligible customers a \$9.25 monthly credit - in areas in which another provider operates that service.

But the Public Utilities Commission of Ohio has yet to approve that plan and in recent days has urged the public to weigh in via written feedback.

Meanwhile, the Federal Communications Commission is weighing a similar but more far-reaching plan that would largely eliminate the resource for a swathe of customers across the country. (See Gongwer Ohio Report, February 23, 2018)

In the PUCO case, comments have been submitted from a handful of citizens as of Friday, each urging the commission to deny AT&T's plan and maintain the program.

Several commenters described themselves as licensed social workers working with elderly populations. Others are customers who benefit from the program and who labeled the company's attempt to cut it "indefensible" and "abhorrent."

AT&T, for its part, has emphasized that no Ohio customer will lose voice service through the move but will instead receive it at the standard rate. Customers are free, it said, to receive the Lifeline discount from other providers in those areas.

The move "will have only a nominal impact on Ohio consumers who have demonstrated a clear preference for obtaining their Lifeline discount from (companies) other than

AT&T," the company said. "Over the past eight years, AT&T has seen its own Ohio Lifeline subscribership shrink by 94%."

Advocates, though, caution the move would strip vulnerable Ohioans of a valuable resource. The Ohio Consumers' Counsel and the Greater Edgemont Community Coalition are among those protesting the idea. In part, they've urged commissioners to solicit public input and take the federal case into consideration. (Docket)

In the federal case, the Federal Communications Commission is proposing changes critics say will erect more barriers for Lifeline consumers nationwide. There are about 608,000 total subscribers in Ohio, according to proponents of the program.

The PUCO and the Ohio Consumers' Counsel are among parties that have submitted comments in opposition to the federal proposal.

Under the proposed changes, eligible consumers must enroll online first through a third-party verifier and then through a specified carrier. Currently, the customer can enroll directly through their provider.

Proponents of the Lifeline program this week were denied a stay in the case when regulators determined the parties were unlikely to prevail on the merits and would not suffer irreparable injury.

In response, Q Link, the nation's third-largest Lifeline provider, on Thursday filed an emergency motion that if approved would enact additional changes to enable carriers to collect customer information directly from the third-party verifier.

Q Link serves about 40,000 Lifeline customers in Ohio. Sixty-seven percent reside in rural or suburban areas and 82% are new to Lifeline, which the company said indicates they were previously unserved by and may not have access to other providers.

"The...proposed change will be unnecessarily difficult and confusing for consumers," said Q Link CEO Issa Asad in a statement. "Beyond the impact on rural Americans, which will be significant, the new system's failure to include automated links with carriers will unnecessarily cost taxpayers tens of millions of dollars."

'Sweeping' Changes In Store After Federal Regulators Reject PJM Capacity Market Plans

Federal regulators voted along party lines recently to toss aside two proposals from PJM Interconnection to revamp the capacity market, paving the way for a potentially drastic shake up in the months ahead.

PJM in April submitted two competing proposals for FERC's consideration on how to best overhaul the market. But in the end, the commission's 3-2 order went far beyond simply rejecting the proposals and instead paves the way for what one dissenting

commissioner labeled "sweeping" changes for the grid operator that serves 13 states. (See Gongwer Ohio Report, May 7, 2018)

In short, the commission determined subsidies for renewable and nuclear sources have rendered PJM's current tariff "unjust, unreasonable and unduly discriminatory" in that it fails to ensure adequate competition. FERC is now proposing to expand the minimum offer price rule - which enacts a screening process to gauge the competitiveness of new resources - among other changes.

"We find...the PJM Tariff allows resources receiving out-of-market support to significantly affect capacity prices in a manner that will cause unjust and unreasonable and unduly discriminatory rates in PJM regardless of the intent motivating the support," the majority wrote. "We are compelled...to conclude that out-of-market payments by certain PJM states have reached a level sufficient to significantly impact the capacity market clearing prices and the integrity of the resulting price signals on which investors and consumers rely to guide the orderly entry and exit of capacity resources."

Stakeholder groups in Ohio and beyond are still parsing the details of the 106-page order, but they have a short timetable to digest its ramifications. After the 60-day comment window, parties have 30 days for reply comments after which FERC wants to reach a solution.

PJM issued a statement stating its pleasure that FERC is taking action.

"The order appears to be a positive step to change competitive electric market design while recognizing the important role states play in influencing the resource mix through retail energy policies," according to PJM. "We will begin work immediately to develop the kind of bifurcated capacity construct envisioned by the commission and actively engage stakeholders, including the states, within the timetable laid out by the commission."

But FERC's two Democratic members issued scathing dissents regarding the substance of the order and the timeline laid out by the majority.

"Let's be clear: through its action today, the majority signals its intent to adopt, through a 90-day paper hearing, the most sweeping changes to the PJM capacity construct since the market's inception more than a decade ago," Commissioner Cheryl LaFleur wrote in her dissent. "If ultimately adopted, this proposal would fundamentally rebalance the resource adequacy responsibilities of the states, the commission, and PJM."

Commissioner Richard Glick said the commission in its order "entirely fails" to demonstrate its claims the market is unjust and further criticized the timeline.

"Requiring interested parties to decipher today's order, develop testimony, gather evidence, and meaningfully respond within 60 days is irresponsible," he said. "On top of that, this short timeframe essentially guarantees that PJM will not be able to work with the states to develop a proposal that aligns with state policies."

Agency Briefs: Hurst To Replace Plouck At ODMHAS; U.S. Unemployment Rate Up; OSHP; ODNR

Dr. Mark Hurst will replace Tracy Plouck as director of the Department of Mental Health and Addiction Services next week as Ms. Plouck, a longtime administration official, leaves for the private sector.

Gov. John Kasich announced Dr. Hurst's appointment Friday. He will take over the department effective July 13.

Ms. Plouck has been in Gov. Kasich's cabinet since 2011 and has twice served as state Medicaid director. She also served as deputy director in the Department of Developmental Disabilities and the Office of Budget and Management.

"I'm extremely grateful to Tracy Plouck for her leadership, compassion, counsel and service to Ohio," Gov. Kasich said. "She has a servant spirit and exemplifies the best in public leadership. She is a model for other leaders to follow and I wish her and her family all the best in this new chapter of their lives."

Dr. Hurst has served as medical director at ODMHAS since 2012 and has been at the department since 1993.

"Dr. Hurst's leadership, insights and compassion have distinguished him as a valuable member of our team and contributed mightily to the progress Ohio is beginning to make against addiction and to lift up our fellow Ohioans struggling with mental illness," Gov. Kasich said in a statement. "I appreciate that he's agreed to take on this responsibility. The work ahead is monumental and the challenges will continue to shift, but his leadership has been-and will continue to be-an enormous asset in Ohio's efforts in these areas."

Unemployment: The U.S. added 213,000 jobs in June despite a loss of jobs in retail trade, but the unemployment rate rose to 4% as more people re-entered the labor force, the Bureau of Labor Statistics reported Friday.

The unemployment rate rose by 0.2 percentage points to 4% as the number of unemployed people rose by nearly 500,000 to 6.6 million, the BLS reported.

The overall labor force grew significantly, rising by 601,000, with the labor force participation rate rising 0.2 percentage points to 62.9%, the report said.

The survey found job gains of 50,000 for the month in professional and business services. Manufacturing employment grew by 36,000, mostly in durable goods manufacturing, including fabricated metal products (+7,000), computer and electronic products (+5,000) and primary metals (+3,000).

Motor vehicles and parts manufacturing bounced back from a loss of 8,000 jobs in May with a gain of 12,000 in June, the report found.

Health care employment was up 25,000 for the month, construction was up 13,000 and mining was up 5,000.

Retail trade lost 22,000 jobs, a month after seeing a gain of 25,000 in May.

State Highway Patrol: The patrol reported eight people were killed in four deadly crashes during the Fourth of July reporting period Tuesday and Wednesday. Impairment was a factor in at least one of the deadly crashes.

During last year's reporting period, from June 30 to July 4, there were 21 fatal crashes that killed 21 people, including eight OVI-related crashes, the patrol said.

Troopers made 296 impaired driving arrests and 276 arrests on drug charges. They responded to 297 crashes and assisted more than 2,000 motorists.

"When someone chooses to drive impaired the consequences can be deadly," Patrol Superintendent Col. Paul A. Pride said in a statement. "That's why troopers make OVI enforcement a priority, whether they're patrolling during a holiday weekend or any time of day. Motorists should always pre-plan a sober way home."

Natural Resources: The department's officers and partnering agencies issued 102 citations and 895 warnings last weekend during Operation Dry Water, a nationwide crackdown on impaired boating.

There were three boating-related fatalities in Ohio during the weekend, the ODNR said.

ODNR officers and partners contacted 3,500 boaters on 1,261 vessels for various violations during the crackdown.

The Division of Oil and Gas Resources Management reported that 2,840 permits had been issued for drilling in the Utica shale as of June 30, with 2,370 wells drilled and 1,904 in production.

Burke Blasts Cordray's Medicaid Comments; Soybean Group Sounds Tariff Alarm; Bocchieri Calls For More Local Funding

A lawmaker on Friday accused Democratic gubernatorial candidate Richard Cordray of either lying about or not understanding the issue of Medicaid expansion.

Sen. Dave Burke (R-Marysville), who chairs the Senate Health, Human Services & Medicaid Committee, accused Mr. Cordray of twice in the past week saying that 26,000 children could be impacted if Medicaid expansion were rolled back.

However, Sen. Burke said in a statement that the expansion covers only childless adults.

"Richard Cordray continues to make Medicaid expansion a key part of his campaign for governor, but his statements over the past week prove he does not understand Ohio's Medicaid program. Cordray's comments in the media show he is either unprepared to be governor, or that he is willing to blatantly lie and use fear tactics to scare Ohioans into voting for him," he said.

"Medicaid comprises over 50% of Ohio's annual budget. If Richard Cordray doesn't understand such a key part of the state budget, then Ohioans simply cannot trust him to sit in the governor's office. Richard Cordray is making promises, and this week he's proven to us that that he doesn't know how he would keep them, even if he wanted to."

In response, the campaign of Mr. Cordray cited a 2016 report from the Georgetown University Center for Children and Families that credited Medicaid expansion for 26,000 children gaining insurance coverage from 2013-2015.

Tariff Concerns: The Ohio Soybean Association is sounding the alarm about retaliatory tariffs China has placed on American soybeans. The tariffs kicked in Friday in response to tariffs enacted by the Trump Administration that same day on an array of Chinese goods.

The group in a statement said 61% of all soybean exports go to China, which accounts for about \$14 billion annually in sales.

"This doesn't only hurt Ohio farmers, it will hurt the entire Ohio economy," said Allen Armstrong, OSA president and soybean farmer from Clark County. "We continue to believe that solutions can be found that do not involve tariffs and a trade war that will hurt all of rural America."

Local Funding: A new report by the Brookings Institute has led to a renewed call for more local government funding.

The report found that from 2010-2017, three Ohio cities ranked in the top 20 in population decline: Youngstown (19), Toledo (12) and Cleveland (5).

Rep. John Boccieri (D-Alliance) in a statement called for additional funding for local governments to stem the tide of population loss.

"You can push the responsibility of raising revenue to the lowest layers of government while sending more and more to state government," he said. "As elected officials, we have a duty to work together to get things done - regardless of who is in charge."

Case Remanded After Judge Cites Article In Sentencing; High Court Denies Stay Of Execution; Buckeye Institute Weighs In On Case...

A federal district court judge erred in doubling a man's sentence after citing a Cleveland.com article on opioid overdoses, the Sixth Circuit Court of Appeals ruled recently.

Marcus Fleming in July 2016 was pulled over by Canton police and found to be carrying nearly 1,000 grams of cocaine.

Based on federal sentencing guidelines, the prosecution recommended five years in prison for Mr. Fleming.

However, at the sentencing hearing Judge John Adams cited the article before handing down a 10-year sentence.

Mr. Fleming argued he was prejudiced by the use of the article because he did not know it would be cited at the sentencing hearing and he was not provided an opportunity to address the issues raised.

The Sixth Circuit agreed, finding the sentence was rendered in a procedurally unreasonable manner.

"The district court's consideration of information about mixed cocaine-opioid overdose deaths was a surprise because, before the sentencing hearing, there was no indication that opioids were relevant to this case, let alone that they would play a prominent role. Fleming was convicted for possession of cocaine, not opioids," Judge John Rogers wrote in the court's decision.

"Nothing in the record suggested that opioids were found in Fleming's car, or that Fleming had ever sold or possessed opioids, or even that any cocaine Fleming sold had ever been mixed with opioids. Of course, opioids have been a topic of grave public concern in recent years, as their devastating and tragic effects have been felt across the country. But it was far from apparent that they were relevant to Fleming's sentence for possession of cocaine."

Judge Rogers was joined by Judge Raymond Kethledge and Judge Damon Keith in his decision.

The case is remanded back to the district court for sentencing.

Stay Denied: The Ohio Supreme Court has declined to stay the execution of a man set to be put to death this month.

In a unanimous ruling the court declined to stay the July 18 execution of Robert Van Hook.

He is on death row after being convicted of the 1985 murder of David Self.

Judicial Deference: The Buckeye Institute has filed an amicus brief in a case that could end judicial deference to executive agencies' interpretations of the law.

"The practice of courts relying on agencies to interpret the law has proven to be dysfunctional, inconsistent with our constitutional system, and has led to the erosion of individual liberties," President and CEO Robert Alt said in a statement. "It is time for the Supreme Court to junk *Chevron*."

Disciplinary Proceedings: The Board of Professional Conduct announced that 12 cases have been certified for formal disciplinary proceedings.

Portman Sets Sights On Deferred Park Maintenance; Dems Welcome Pruitt's Exit; Ryan Tours Immigrant Facility

U.S. Sen. Rob Portman (R-Terrace Park) is among a bipartisan group of senators aiming to tackle about \$12 billion in deferred maintenance within the National Park Service.

He joined with senators Mark Warner (D-VA), Lamar Alexander (R-TN), and Angus King (I-ME) to introduce the Restore Our Parks Act, which has earned support from Secretary of the Interior Ryan Zinke, the National Parks Conservation Association, the Pew Charitable Trusts' Restore America's Parks Campaign and the Outdoor Industry Association.

"For more than a century, the National Park Service has been inspiring Americans to explore the natural beauty of our country," Sen. Portman said in a statement. "But in order to keep that work going, we need to ensure that they have the right resources to maintain our national parks. This bill will create the Legacy Restoration Fund to provide the National Park Service with funds for deferred maintenance projects."

The legislation would provide more than \$100 million in funding for work at parks and historic sites in Ohio. The vast majority of the funding would go toward improvements at two sites: Perry's Victory and International Peace Memorial in Put-in-Bay (\$47.7 million) and Cuyahoga Valley National Park in Cuyahoga and Summit counties (\$45.8 million).

Resignation: Democratic members of Ohio's congressional delegation had no kind words for U.S. EPA Administrator Scott Pruitt following his resignation Thursday.

"Scott Pruitt used taxpayer dollars to benefit himself while working to gut Lake Erie cleanup and the Renewable Fuel Standard and the Ohio jobs that depend on them," U.S. Sen. Sherrod Brown tweeted. "He never should have been confirmed in the first place, and it's past time for him to go."

U.S. Rep. Tim Ryan (D-Niles) issued a brief statement in response to the departure: "It's about time."

U.S. Rep. Joyce Beatty (D-Blacklick) simply tweeted "Byeeeeeee!" with a link to a media report about Mr. Pruitt's resignation.

Immigration: Rep. Ryan and three of his U.S. House colleagues from Michigan on Thursday received a tour of Bethany Christian Services' facility in Grand Rapids and learned about the organization's plans to reunite immigrant children with their families.

Rep. Ryan in a statement called the Trump administration's policy of separating children from parents at the U.S.'s southern border "state sponsored abuse."

"Children are traveling by themselves or with their loved ones to avoid violence and danger in their country, and they fled to the United States to find safety and security. They are doing what any responsible parent would do," he said. "But when they arrive at our border, the Trump Administration turns its back on our values and rips children away from their parents - with zero plan to bring them back together."

Hearing: Sen. Brown and Sen. Portman will conduct a field hearing of a congressional committee charged with solving looming pension problems next week at the Statehouse.

The House and Senate Joint Select Committee on Pensions will meet at 2 p.m. next Friday at in the Finan Hearing Room. The hearing will allow panel members to receive testimony from Ohio workers and retirees who could be affected if Congress fails to take action.

Multiple plans Ohioans participate in, including the Central States Teamsters Pension Plan, the United Mine Workers Pension Plan, the Ironworkers Local 17 Pension Plan, the Ohio Southwest Carpenters Pension Plan and the Bakers and Confectioners Pension Plan "are currently on the "brink of failure," according to a news release from Sen. Portman's office.

The committee, which has 16 members appointed by House and Senate leadership, has been tasked with reporting a bill to resolve the issue by the end of November.

Capitol Scene: Child Caring Group Updates Name

The advocacy group formerly known as the Ohio Association of Child Caring Agencies has renamed itself the Ohio Children's Alliance, it was announced Friday.

The change, the group said, reflects the changing environment for child and family services.

"Our new name is more representative of our mission and the composition of our statewide network of community agencies," said Mark Mecum, the group's CEO. "Over the past five decades, our association has grown to over 70 community agencies that provide behavioral health, foster care, and other child and family services. We've also evolved into an alliance that fosters collaboration and innovation. Our new name symbolizes our commitment to Ohio's children and the agencies that serve them."

The organization was founded in 1973.

Governor's Appointments

State Dental Board: Tracy Intihar of Columbus to the for a term beginning July 6, 2018, and ending April 6, 2021.

Public Benefits Advisory Board: Dasmine Wright of Columbus for a term beginning July 6, 2018, and ending June 30, 2021.

Ohio Turnpike and Infrastructure Commission: Guy C. Coviello of Youngstown for a term beginning July 6, 2018, and ending June 30, 2023.

Ohio Arts Council: Darryl D. Mehaffie of Greenville, Farid Naffah, MD of Cortland, and Neal F. Zimmers, Jr., JD of Granville have been reappointed to the for terms beginning July 6, 2018, and ending July 1, 2023.

Supplemental Agency Calendar

Tuesday, July 10

Radioactive Materials Committee, 35 E. Chestnut St., Basement Training Room A, Columbus, 10:30 a.m.

Friday, July 13

Board of Voting Machine Examiners, 17th Fl., 180 E. Broad St., Columbus, 10 a.m.

Supplemental Event Planner

Monday, July 9

Release of June casino revenue figures, 1:30 a.m.

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Daily Activity Planner for Saturday, July 7-Monday, July 9

Legislative Committees

Monday, July 16

Senate Finance (Committee Record) (Chr. Oelslager, S., 466-0626), Finance Hearing Rm., 3 p.m.

HB 123 **LENDING LAWS** (Koehler, K., Ashford, M.) To modify the Short-Term Loan Act, to specify a minimum duration requirement for loans made under the Small Loan Law and Mortgage Loan Law, and to limit the authority of credit services organizations to broker extensions of credit for buyers. (6th Hearing-All testimony-Possible amendments & vote)

Agency Calendar

Monday, July 9

State Board of Education, 25 South Front St., Columbus, 8:30 a.m.
Controlling Board, North Hearing Rm., Senate Bldg., Columbus, 1:30 p.m.

Event Planner

Monday, July 9

Release of June casino revenue figures, 1:30 a.m.
Rep. Gary Scherer (R-Circleville) golf outing fundraiser, Cooks Creek Golf Club, 14065 U.S. Rt. 23, S. Bloomfield, 11 a.m., (11 am registration; 12 pm shotgun)

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Legislative Committee Schedules beginning 7/9/2018

Monday, July 9

Senate Finance (Committee Record) (Chr. Oelslager, S., 466-0626), Finance Hearing Rm., 3 p.m.

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Tuesday, July 10

Senate Finance (Committee Record) (Chr. Oelslager, S., 466-0626), Finance Hearing Rm., 9 a.m.

- If needed

HB 123 **LENDING LAWS** (Koehler, K., Ashford, M.) To modify the Short-Term Loan Act, to specify a minimum duration requirement for loans made under the Small Loan Law and Mortgage Loan Law, and to limit the authority of credit services organizations to broker extensions of credit for buyers. (7th Hearing-Possible amendments & vote)

Senate Rules & Reference (Committee Record) (Chr. Obhof, L., 466-7505), Majority Conf. Rm., 10 a.m.

Senate Session (Committee Record) (Chr. Obhof, L., 466-4900), Senate Chamber, 11 a.m.


Thursday, July 12

Ohio Retirement Study Council (Committee Record) (Chr. Schuring, K., 228-1346), Rm. 121, 10 a.m.
Managed Long-Term Services and Supports Study Committee (Chr. Burke, D., 000-0467), Senate Finance Hearing Rm., 10 a.m.

- Providers and consumers of MyCare services will be invited to share their perspectives on MyCare Ohio along with Q & A (100 minutes); Quality Measures Data from Department of Medicaid (20 minutes)

Monday, July 16

Joint Committee on Agency Rule Review (Committee Record) (Chr. Uecker, J., 644-6030), Senate Finance Hearing Rm., 1:30 p.m.

NOTE: Click bill or resolution number links to see the legislative history compiled by Gongwer News Service. Click the  after a bill number to create a saved search and email alert for that bill. Click "Full Text" if present to view the text of legislation on the Legislature's Web site.

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Event Planner

Monday, July 9

Release of June casino revenue figures, 1:30 a.m.

Rep. Gary Scherer (R-Circleville) golf outing fundraiser, Cooks Creek Golf Club, 14065 U.S. Rt. 23, S. Bloomfield, 11 a.m., (11 am registration; 12 pm shotgun)

Tuesday, July 10

Rep. Scott Lipps (R-Franklin) fundraiser, Due Amici, 67 E. Gay St., Columbus, 11:30 a.m., (Host: \$1,000, Sponsor: \$500, Patron: \$350 to Friends of Scott Lipps)

Wednesday, July 11

Rep. Richard Brown (D-Canal Winchester) fundraiser, The Paddock Club, 1005 Richardson Rd., Groveport, 5:30 p.m., (Sponsor Levels: Sponsor \$250, Host \$100, Guest \$50 to Citizens for Richard Brown)

Thursday, July 12

Rep. Hearcel Craig (D-Columbus) fundraiser, Crest Gastropub, 621 Parsons Ave., Columbus, 5:30 p.m., (Host \$500, Friend \$250, Supporter \$150; Guest \$69 to Friends of Hearcel F. Craig)

Monday, July 16

Rep. Bill Reineke (R-Tiffin) golf outing fundraiser, Mohawk Golf Course, 4399 OH-231, Tiffin, 8:30 a.m., (8:30 am registration; 10 am shotgun)

Tuesday, July 17

Republican Senate Campaign Committee MLB All-Star Game fundraiser, Dock 79, 79 Potomac Ave SE, Washington DC, 5 p.m., (Walk Off: \$5,000 | Grand Slam: \$2,500 | Home Run: \$1,000 to RSCC)

Thursday, July 19

ALEC Annual Meeting, Denver

Sen. Stephanie Kunze (R-Hilliard) manicure fundraiser, W Nail Bar, 946 N. High Street, Columbus, 4 p.m., (PAC: \$500 | Individual: \$250 | Young Professional: \$50 to Citizens for Stephanie Kunze. RSVP is required to ensure appointment.)

Sen. Matt Dolan (R-Chagrin Falls) Batter Up fundraiser, Progressive Field, 2401 Ontario Street, Cleveland, 4 p.m., (4:00pm Warm Up & Batting | 5:30pm Reception. Grand Slam: \$5,000 | Home Run: \$2,500 | Single: \$1,000 | Spectator: \$150 to Friends of Matt Dolan)

Friday, July 20

ALEC Annual Meeting, Denver

Rep. Tom Patton (R-Strongsville) golf outing fundraiser, Mallard Creek Golf Club, 34500 Royalton Road (SR 82), Columbia Station, 10 a.m., (10:00 am Shotgun start; Tournament: \$2,000, Eagle: \$1,000; Foursome: \$600, Birdie:\$5000, Person: \$150 to Friends of Tom Patton)

Saturday, July 21

ALEC Annual Meeting, Denver

Sunday, July 22

YMCA Youth & Government Leaders Training School, Statehouse, Columbus

Monday, July 23

YMCA Youth & Government Leaders Training School, Statehouse, Columbus

Sen. Matt Huffman (R-Lima) golf outing fundraiser, Hidden Creek Golf Club, 6245 Sugar Creek Road, Lima, 9 a.m., (9:00am Registration | 10:00am Shotgun Start. Event Sponsor: \$1,000 | Foursome: \$400 | Tee or Green Sponsor: \$200 | Individual Golfer: \$100 to Huffman for Ohio)

Tuesday, July 24

YMCA Youth & Government Leaders Training School, Statehouse, Columbus

Rep. Bill Seitz (R-Cincinnati) fundraiser, Gresso's, 961 S. High St., Columbus, 5 p.m., (Gold: \$2,000; Silver: \$1,000; Bronze: \$500 to Seitz for Ohio)

Wednesday, July 25

YMCA Youth & Government Leaders Training School, Statehouse, Columbus

Sen. Rob McColley (R-Napoleon) golf outing fundraiser, Eagle Rock Golf Club, 211 Carpenter Road, Defiance, 11 a.m., (11:00am Registration and Lunch | 12:00pm Shotgun Start | 5:30pm Cocktail Hour | 6:00pm Dinner with State Rep. Craig Riedel. Event Sponsor: \$2,500 | Tee Sponsor: \$1,000 | Green Sponsor: \$500 | Foursome: \$400 | Dinner Sponsor: \$250 | Individual Golfer: \$100 to Citizens for McColley)

Thursday, July 26

YMCA Youth & Government Leaders Training School, Statehouse, Columbus

Rep. Craig Riedel (R-Defiance) golf outing fundraiser, Eagle Rock Golf Club, 211 Carpenter Rd., Defiance, 9:30 a.m., (9:30 Shotgun Start. Event:\$2,500, Tee:\$1,000, Green:\$500, Foursome:\$400, Golfer: \$100 to Citizens to Elect Craig Riedel)
Rep. Bill Blessing (R-Cincinnati) fundraiser, Via Vite, 520 Vine St., Cincinnati, 11:30 a.m., (Sponsor: \$1,000, Host: \$500, Guest: \$250 to Citizens for Blessing)

Friday, July 27

YMCA Youth & Government Leaders Training School, Statehouse, Columbus

Monday, July 30

NCSL Legislative Summit, Los Angeles

Tuesday, July 31

NCSL Legislative Summit, Los Angeles

Deadline to file semi-annual campaign finance reports

Wednesday, August 1

NCSL Legislative Summit, Los Angeles

Rep. Riordan McClain (R-Upper Sandusky) golf outing fundraises

Thursday, August 2

NCSL Legislative Summit, Los Angeles

Rep. Anne Gonzales (R-Westerville) Lake Erie fundraiser, Dock's Beach House, 252 W. Lakeshore Drive, Port Clinton, 4 p.m., (Sponsor: \$2,500 | Host: \$1,000 | Guest: \$500 to Citizens for Anne Gonzales)

Friday, August 3

Deadline for statewide candidates to file July campaign finance reports

Speaker Ryan Smith (R-Bidwell) golf outing fundraiser, Cliffside Golf, 100 Cliffside Drive, Gallipolis, 9 a.m., (Coffee/Registration: 9:00am; Shotgun Start: 10:00am; Event Chair: \$12,707.79; Event host: \$5,000; Event sponsor: \$2,500; Tee Sponsor: \$1,000; Foursome: \$500; Individual Golfer: \$150; Reception only: \$75 to Friends of Ryan Smith)

Sen. Sandra Williams (D-Cleveland) fundraiser, FOP Hall, 2249 Payne Ave., Cleveland, 5 p.m., (\$200 (table); \$20 (friend) to Friends of Sandra Williams)

Tuesday, August 7

Special election for 12th Congressional District seat

Rep. Laura Lanese (R-Grove City) fundraiser, Condado, 132 S. High St., Columbus, 11:30 a.m., (Host: \$1,000, Sponsor: \$500, Patron: \$350 to Lanese for Ohio)

Wednesday, August 15

Rep. Theresa Gavarone (R-Bowling Green) golf outing fundraiser

Thursday, August 16

Sen. Bob Hackett (R-London) golf outing fundraiser

Friday, August 17

Sen. Bill Beagle (R-Tipp City) Fly Fishing fundraiser

Monday, August 20

Rep. Laura Lanese (R-Grove City) golf outing fundraiser, Pinnacle Golf Club, 1500 Pinnacle Golf Club Dr., Grove City, 10 a.m., (10:00 am Registration, 11:00 am Shotgun start, Dinner to follow; Event: \$1,500, Food and Beverage: \$700, Golfer: \$150; Hole: \$100 to Lanese for Ohio)

Thursday, August 23

Hamilton County GOP State Legislative golf outing fundraiser

Monday, August 27

Rep. Scott Ryan (R-Newark) golf outing fundraiser, Denison Golf Club, 555 Newark Granville Rd., Granville, 9 a.m., (9:00 am Registration, 10:00 am Shotgun Start. Event: \$2500; Food and Beverage: \$1000; Tee: \$750; Foursome: \$500; Golfer: \$125; Green: \$100 to Citizens for Scott Ryan)

Saturday, September 1

Lobbyists/Employers can begin filing May-August 2018 Activity & Expenditure Reports

Thursday, September 6

**Deadline for statewide candidates to file August campaign finance reports
Rep. Rick Carfagna (R-Westerville) golf outing fundraiser**

Friday, September 14

Rep. Dave Greenspan (R-Westlake) golf outing fundraiser, Springdale Golf Course, 5871 Canterbury Road, North Olmstead, 9 a.m., (9:00 am Shotgun Start, Lunch at the Turn, Dinner to follow; Dinner Sponsor: \$1,500, Lunch Sponsor: \$1,000, Drink Sponsor: \$750, Hole Sponsor: \$100; Foursome: \$500, Single Golfer: \$125, Dinner only: \$60 to Friends of Dave Greenspan)

Thursday, September 27

Sen. President Larry Obhof (R-Medina) shotgun fundraiser

Friday, September 28

**Rep. Dave Greenspan (R-Westlake) golf outing fundraiser
Sen. Joe Uecker (R-Loveland) Day at the Races fundraiser**

Monday, October 1

JLEC Deadline for filing May-August 2018 Activity & Expenditure Report

Wednesday, October 3

Deadline for statewide candidates to file September campaign finance reports

Thursday, October 25

Deadline to file pre-general campaign finance reports

Tuesday, November 6

General election day

Thursday, November 8

2018 Impact Ohio Post Election Conference, Greater Columbus Convention Center, 400 N. High St., Columbus

Saturday, December 1

Lobbyists can begin renewing Legislative, Executive and Retirement System registrations for 2019

Friday, December 14

Deadline to file post-general campaign finance reports

Monday, December 31

All 2018 Legislative, Executive and Retirement System lobbying registrations expire in OLAC

Thursday, January 31

Deadline to 2018 annual campaign finance reports

Deadline to 2018 annual campaign finance reports

17 S. High St., Suite 630

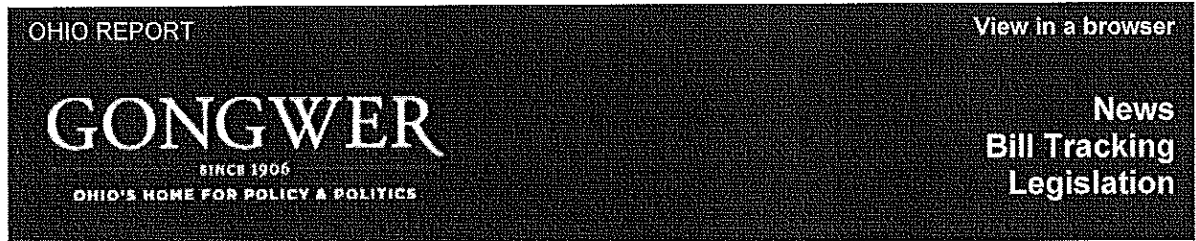
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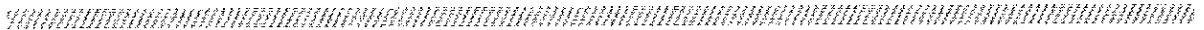
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Sent: Friday, July 6, 2018 5:56 PM
To: Rep48
Subject: Ohio Report, Friday, July 6, 2018
Attachments: Jul6.htm; 180706dayplan.htm; Jul9Schedule.htm; 180706plan.htm



OHIO REPORT FRIDAY, JULY 6



Payday Lending Proposal Slated For Rare Summer Action In Senate Next Week

State Touts Mental Health Parity With Managed Care Integration Of Behavioral Services

CAUV 'On the Road To Correction' Following Budget Changes, Group Says

Ed Board Expected To Debate, Vote On Third-Grade Reading Benchmark

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Event Planner

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Volume #87, Report #130 -- Friday, July 6, 2018

Payday Lending Proposal Slated For Rare Summer Action In Senate Next Week

An expected legislative break is being cut short for the Senate as the chamber is set to return next week to continue its work considering a contentious overhaul of short-term lending laws.

The payday lending bill (HB 123) is slated for consideration by the Senate Finance Committee Monday and Tuesday, if necessary. The measure is expected to come up before the full Senate Tuesday morning.

The Finance Committee meetings are expected to be the only committee action of the week.

John Fortney, spokesman for Senate President Larry Obhof (R-Medina), said amendments are expected Monday or Tuesday.

What that language will look like remains unclear.

The committee spent much of last week hearing testimony on the measure and weighing potential changes offered by Sen. Matt Huffman (R-Lima).

Backers of the original language, which would limit fees and interest rates and require repayment to be capped at 5% of the borrower's income, balked at proposed changes in the Senate. (See Gongwer Ohio Report, June 21, 2018)

Proponents, including the Pew Charitable Trusts, voiced openness to some changes, such as increasing the allowable loan sizes and rates, that would still preserve the overarching framework. (See Gongwer Ohio Report, June 25, 2018)

Sen. Matt Dolan (R-Chagrin Falls) said this week he had prepared amendments to that effect but wasn't sure whether the committee would work from the House-passed language or from a framework outlined by Sen. Huffman.

"My amendments were directed toward 123 based on what I heard in terms of testimony and in terms of what could help within the structure of 123 to increase the costs a little bit to help out the lenders," he said in an interview.

Those discussions have included increased rates and allowable fees, including raising the limit on what a borrower can be required to pay back to perhaps as high as 10% of their income, Sen. Dolan said.

"That would obviously increase the ability for the borrower to borrow more money," Sen. Dolan said. "We're trying to find that fine line."

Supporters of the initial language have said raising the 5% income limit to perhaps 7% or 8% would be acceptable, but 10% could be too high.

Sen. Huffman's proposals would create a framework around the total costs of installment loans, limiting those to a per diem rate based on the size and duration of the loan. He has said the proposal would also cap the total principal amount a borrower could have out at any one time at \$2,500. (See Gongwer Ohio Report, June 26, 2018)

State Touts Mental Health Parity With Managed Care Integration Of Behavioral Services

With the July 1 carve-in of behavioral health services in Medicaid into managed care, the state says it is now compliant with a 2008 federal law requiring parity for mental health and addiction services.

The departments of Medicaid and of Mental Health and Addiction Services released a report examining compliance by managed care plans in providing parity in patients' access to those services.

The state was initially scheduled to show compliance in October 2017 but received approval from federal regulators to wait until the July 1 integration of behavioral health services into managed care. (See Gongwer Ohio Report, June 28, 2018)

"That gave us the opportunity to have our implementation dates be the same as our carve-in," Medicaid Director Barbara Sears said in an interview.

The behavioral health integration is a separate effort from the work toward parity, but the state decided to have those dates coincide because of the way it framed its plan with the federal Centers for Medicare and Medicaid Services, said Patrick Stephan, director of managed care for ODM.

"What we didn't want to do was have to go through the process twice," he said. "Had we not connected this with our integration of behavioral health services into managed care, we would've had to have done it on the fee-for-service side."

Parity means managed care plans will be prevented from having cumbersome prior authorization requirements, limits on service days or other restrictions on mental health services that aren't used on physical health services, Mr. Stephan said.

"At its core, this act requires us to make certain that within Medicaid, and in this case within the managed care plans' administration of the benefit, that we do not have qualitative or quantitative requirements on mental health services that are more stringent than what you would get on the physical side," he said.

Mr. Stephan said the move toward managed care will also help ensure patients' access to mental health services because plans are required to provide that access and can incentivize providers in order to achieve it.

"In the fee for service side, we had very little ability to encourage new providers into the market," he said. "On the managed care side, we have standards that the plans must meet, and if they don't, then they get fined, they get penalized."

Lori Criss, CEO of the Ohio Council of Behavioral Health and Family Services Providers, said parity is key but questioned whether the system has actually achieved the goal.

"Fully implementing and robustly enforcing the Mental Health Parity and Addiction Equity Act of 2008 is critically important to ensure that Ohioans can understand and access the health insurance benefits rightly available to them," she said in a statement. "While we appreciate Ohio Medicaid's compliance report, the analysis appears to lack sufficient detail to support its broad conclusion without review of the underlying assessment documents."

Moving forward, the state will have to ensure parity standards are met, she said.

"The real test will be how well Medicaid promotes transparency and holds the plans accountable for the law's requirements," she said. "The Ohio Parity at 10 Coalition looks forward to working with lawmakers and the administration to raise awareness of the law's benefits to Ohioans, their families and employers."

CAUV 'On the Road To Correction' Following Budget Changes, Group Says

Budget language aimed at alleviating increased costs from rising Current Agricultural Use Values are having their intended impact, the Ohio Farmers Union told state officials recently.

The Department of Taxation each year holds a public hearing in June to brief farmers and interest groups on the latest values and to gather feedback on the subject.

In recent years, the meetings have been the site of much angst as some farmers grapple with sharp increases. During the 2014 tax year, the high watermark, increases were seen as high as 400%. (See Gongwer Ohio Report, June 2, 2017)

"We had tremendous increase in the CAUV values going back to 2008," said Ted Finnarn, attorney for the organization. "Because of (the changes), the CAUV values have come down and are heading back down to where they should have been."

But the latest meeting came and went with little fanfare, with the union providing the only testimony and praising the recent changes.

"We're finally on the road to correction," Mr. Finnarn said in an interview. "By the 2020 cycle, the CAUV values will be down so farmers have more reasonable taxes."

Gloria Gardner, assistant administrator for the department, said the statewide average value for cropland came in at \$1,015 per acre for tax year 2018, down about 27% from 2015 values which were \$1,388. The values are updated every three years as counties undergo their appraisal process.

"The values are dropping pretty significantly due to some of the changes that were in House Bill 49 in 2017 and this is the second year of implementing those changes," Ms. Gardner said. "The woodland values are also coming down."

The budget changes, which originated in the Senate, modified the factors to be used in computing the values and placed a ceiling on the taxable value of CAUV land if it is also used for conservation purposes. The changes were phased across two stages over a six year assessment cycle.

"We sort of had a perfect storm - all of these things coming together - and we had extremely high values that were unwarranted and unfair and unprecedented," Mr. Finnarn said. "Now we're on the road to having more reasonable real estate taxes for farmers and woodland owners."

Not all parties were pleased with the budget changes, however. School groups expressed repeated concerns with how the changes might impact their districts, forecasting a 30% reduction in farming property values that would shift the burden onto other property owners.

Barbara Shaner, advocacy specialist for the Ohio Association of School Business Officials, said those fears continue.

"We're still sorting out the results of the most recent information from the tax department but we also think we won't see the full effect for a few more years because not all the counties have undergone their reevaluation," Ms. Shaner said. "We remain concerned and we'll continue to monitor the way it's turning out."

Ed Board Expected To Debate, Vote On Third-Grade Reading Benchmark

The State Board of Education is set to vote to increase the Third Grade Reading Guarantee promotion score next weekend at its monthly meeting.

A proposal to raise the benchmark students would need to meet on the Ohio State Test for third grade English and language arts from 672 to 677 was set for a possible vote by the panel's Achievement and Graduation Requirements Committee last month, but it ultimately delayed its decision. (See Gongwer Ohio Report, June 12, 2018)

The committee is once again scheduled to discuss the proposal at its 8:30 a.m. Tuesday meeting, with the full board expected to consider the resolution enacting the change later that day. The resolution is set for consideration as an emergency measure, so it would take effect before the start of the next school year.

The state board is required by law to review the third grade language arts benchmark and adjust it upward annually until it reaches 700, which indicates proficiency, according to a memo sent to committee members late last month by the Department of Education's legal staff.

Despite the requirement that the score increase, the committee balked at recommending the promotion score be set at 677 last month, with multiple members asking for more time to discuss the potential change with local school district officials.

District 4 board member Pat Bruns at the time said she was concerned raising the score could mean districts' improvements at teaching young readers would not be reflected in state report cards, sending a "false message" to community members.

An overview of the issue provided by ODE to the committee states that: "Because of the state law, the education community is expecting to see a modest increase in the promotion score. No one will be surprised by an increase."

ODE also argues the change in the overall language arts score from 672 to 677 corresponds to the smallest possible increase in the reading subscore, from 44 to 45.

"It is possible this change will not increase the number or percent of students who are retained. If there is a reduction in the number of students promoted, we would expect it to be small," the overview states.

At-large board member Laura Kohler, the committee's chairwoman, previously said she supports the plan to increase the benchmark to 677 because administrators and teachers have been preparing for it with increased aid from the state.

"We're looking at a different landscape than we were a couple of year ago with the supports that are in place," she said.

Subscriber's Note: The full agenda for the State Board of Education's Monday and Tuesday meeting is available online.

Rover, FERC Staff Spar Over Land Restoration, Pipeline Operations

Rover Pipeline operators, long at odds with state regulators, are now amping up their frustration with their federal overseers.

In recent missives, Rover Pipeline LCC blasted Federal Energy Regulatory Commission staff for what it considers the commission's failure to authorize full operation of a major section of the controversial project. (See Gongwer Ohio Report, June 1, 2018)

The lack of action on FERC's part has left Rover "more than a little baffled," wrote Rover Senior Vice President Chris Sonneborn. But FERC staff said the delays are prompted by Rover's failure to restore land impacted by the project by a June 30 deadline. The

company in recent weeks has informed staff restoration efforts are likely to continue until "at least" July 30.

According to Rover, FERC staff in May authorized service to commence on a main segment of the pipeline called Supply Connector Line B. But in doing so, staff withheld granting in-service authorization for two laterals pending further review.

"As a result of staff's inaction, significant volumes of natural gas have been unable to flow on pipeline facilities that have been completed for nearly a month," Mr. Sonneborn wrote. "This is unfortunate, because...the incremental natural gas supply that would have been available to flow would have been used to offset the large deficit the nation is facing to replenish storage inventories in preparation for the 2018-2019 heating season...."

Failure to act soon, the company claims, is outside "the public interest." But FERC declined to be persuaded by the company's comments. Staff instead responded with a formal notice directing the company to complete outstanding restoration activities at those two Ohio sites.

"Because restoration of these facilities was not complete at the time of in-service authorization, Rover committed to completing the remaining restoration activities by specific dates," wrote John Wood, FERC's deputy director of the Office of Energy Projects. "However, commission staff monitoring certificate compliance believes that rover will be unable to meet a number of those commitments...."

As a result, staff directed Rover to take "prompt and immediate action" and to file prior to July 9 a detailed account of why the company cannot adhere to the agreed upon timetable.

"Neither the commission nor its staff takes lightly a pipeline's commitments to restore and rehabilitate affected lands," Mr. Wood said. "Accordingly, the commission expects pipelines to follow through on their commitments to restore and rehabilitate land and other resources disturbed by the construction of a certificated pipeline."

In response, Mr. Sonneborn issued a second letter this week leveling further attacks, accusing FERC staff of making "several inaccurate statements" toward the project and the company's willingness to fulfill its land restoration commitments.

"For the record, and as Rover has stated previously in this docket on numerous occasions, Rover will honor and meet all of its restoration commitments - whether those are scheduled to occur before or after Rover is fully in service," Rover wrote. "Any implication to the contrary is simply untrue."

Rover now is also accusing FERC staff of "a fundamental misunderstanding" of how the restoration process works.

"A company can supply ample resources, equipment, and personnel to restoration efforts; however, the variable of weather, and therefore the pace of restoration, is simply outside of any pipeline's control," Rover wrote. "There is no amount of planning or resources that can change the reality that on any major pipeline project there are always going to be changes to the restoration schedule due to events outside of the pipeline's control."

The company's public pushback accusing FERC of stating falsehoods is much like the back-and-forth Rover has engaged in with the Ohio Environmental Protection Agency. Rover and the OEPA have engaged in a months-long back and forth with Rover accusing OEPA of cooperating with the company in private but taking an adversarial approach in public.

That tiff ultimately led to a lawsuit filed by the state, which Rover and several other defendants have filed to dismiss. (See Gongwer Ohio Report, March 5, 2018)

Public Comments Continue On State, Federal Lifeline Proposals

Stakeholder groups and citizens are continuing their efforts to thwart state and federal proposals that would eliminate in whole or in part a federal discount program for low-income customers.

At the state level, AT&T is proposing to discontinue its participation in the federal Lifeline program - which grants eligible customers a \$9.25 monthly credit - in areas in which another provider operates that service.

But the Public Utilities Commission of Ohio has yet to approve that plan and in recent days has urged the public to weigh in via written feedback.

Meanwhile, the Federal Communications Commission is weighing a similar but more far-reaching plan that would largely eliminate the resource for a swathe of customers across the country. (See Gongwer Ohio Report, February 23, 2018)

In the PUCO case, comments have been submitted from a handful of citizens as of Friday, each urging the commission to deny AT&T's plan and maintain the program.

Several commenters described themselves as licensed social workers working with elderly populations. Others are customers who benefit from the program and who labeled the company's attempt to cut it "indefensible" and "abhorrent."

AT&T, for its part, has emphasized that no Ohio customer will lose voice service through the move but will instead receive it at the standard rate. Customers are free, it said, to receive the Lifeline discount from other providers in those areas.

The move "will have only a nominal impact on Ohio consumers who have demonstrated a clear preference for obtaining their Lifeline discount from (companies) other than

AT&T," the company said. "Over the past eight years, AT&T has seen its own Ohio Lifeline subscribership shrink by 94%."

Advocates, though, caution the move would strip vulnerable Ohioans of a valuable resource. The Ohio Consumers' Counsel and the Greater Edgemont Community Coalition are among those protesting the idea. In part, they've urged commissioners to solicit public input and take the federal case into consideration. (Docket)

In the federal case, the Federal Communications Commission is proposing changes critics say will erect more barriers for Lifeline consumers nationwide. There are about 608,000 total subscribers in Ohio, according to proponents of the program.

The PUCO and the Ohio Consumers' Counsel are among parties that have submitted comments in opposition to the federal proposal.

Under the proposed changes, eligible consumers must enroll online first through a third-party verifier and then through a specified carrier. Currently, the customer can enroll directly through their provider.

Proponents of the Lifeline program this week were denied a stay in the case when regulators determined the parties were unlikely to prevail on the merits and would not suffer irreparable injury.

In response, Q Link, the nation's third-largest Lifeline provider, on Thursday filed an emergency motion that if approved would enact additional changes to enable carriers to collect customer information directly from the third-party verifier.

Q Link serves about 40,000 Lifeline customers in Ohio. Sixty-seven percent reside in rural or suburban areas and 82% are new to Lifeline, which the company said indicates they were previously unserved by and may not have access to other providers.

"The...proposed change will be unnecessarily difficult and confusing for consumers," said Q Link CEO Issa Asad in a statement. "Beyond the impact on rural Americans, which will be significant, the new system's failure to include automated links with carriers will unnecessarily cost taxpayers tens of millions of dollars."

'Sweeping' Changes In Store After Federal Regulators Reject PJM Capacity Market Plans

Federal regulators voted along party lines recently to toss aside two proposals from PJM Interconnection to revamp the capacity market, paving the way for a potentially drastic shake up in the months ahead.

PJM in April submitted two competing proposals for FERC's consideration on how to best overhaul the market. But in the end, the commission's 3-2 order went far beyond simply rejecting the proposals and instead paves the way for what one dissenting

commissioner labeled "sweeping" changes for the grid operator that serves 13 states. (See Gongwer Ohio Report, May 7, 2018)

In short, the commission determined subsidies for renewable and nuclear sources have rendered PJM's current tariff "unjust, unreasonable and unduly discriminatory" in that it fails to ensure adequate competition. FERC is now proposing to expand the minimum offer price rule - which enacts a screening process to gauge the competitiveness of new resources - among other changes.

"We find...the PJM Tariff allows resources receiving out-of-market support to significantly affect capacity prices in a manner that will cause unjust and unreasonable and unduly discriminatory rates in PJM regardless of the intent motivating the support," the majority wrote. "We are compelled...to conclude that out-of-market payments by certain PJM states have reached a level sufficient to significantly impact the capacity market clearing prices and the integrity of the resulting price signals on which investors and consumers rely to guide the orderly entry and exit of capacity resources."

Stakeholder groups in Ohio and beyond are still parsing the details of the 106-page order, but they have a short timetable to digest its ramifications. After the 60-day comment window, parties have 30 days for reply comments after which FERC wants to reach a solution.

PJM issued a statement stating its pleasure that FERC is taking action.

"The order appears to be a positive step to change competitive electric market design while recognizing the important role states play in influencing the resource mix through retail energy policies," according to PJM. "We will begin work immediately to develop the kind of bifurcated capacity construct envisioned by the commission and actively engage stakeholders, including the states, within the timetable laid out by the commission."

But FERC's two Democratic members issued scathing dissents regarding the substance of the order and the timeline laid out by the majority.

"Let's be clear: through its action today, the majority signals its intent to adopt, through a 90-day paper hearing, the most sweeping changes to the PJM capacity construct since the market's inception more than a decade ago," Commissioner Cheryl LaFleur wrote in her dissent. "If ultimately adopted, this proposal would fundamentally rebalance the resource adequacy responsibilities of the states, the commission, and PJM."

Commissioner Richard Glick said the commission in its order "entirely fails" to demonstrate its claims the market is unjust and further criticized the timeline.

"Requiring interested parties to decipher today's order, develop testimony, gather evidence, and meaningfully respond within 60 days is irresponsible," he said. "On top of that, this short timeframe essentially guarantees that PJM will not be able to work with the states to develop a proposal that aligns with state policies."

Agency Briefs: Hurst To Replace Plouck At ODMHAS; U.S. Unemployment Rate Up; OSHP; ODNR

Dr. Mark Hurst will replace Tracy Plouck as director of the Department of Mental Health and Addiction Services next week as Ms. Plouck, a longtime administration official, leaves for the private sector.

Gov. John Kasich announced Dr. Hurst's appointment Friday. He will take over the department effective July 13.

Ms. Plouck has been in Gov. Kasich's cabinet since 2011 and has twice served as state Medicaid director. She also served as deputy director in the Department of Developmental Disabilities and the Office of Budget and Management.

"I'm extremely grateful to Tracy Plouck for her leadership, compassion, counsel and service to Ohio," Gov. Kasich said. "She has a servant spirit and exemplifies the best in public leadership. She is a model for other leaders to follow and I wish her and her family all the best in this new chapter of their lives."

Dr. Hurst has served as medical director at ODMHAS since 2012 and has been at the department since 1993.

"Dr. Hurst's leadership, insights and compassion have distinguished him as a valuable member of our team and contributed mightily to the progress Ohio is beginning to make against addiction and to lift up our fellow Ohioans struggling with mental illness," Gov. Kasich said in a statement. "I appreciate that he's agreed to take on this responsibility. The work ahead is monumental and the challenges will continue to shift, but his leadership has been-and will continue to be-an enormous asset in Ohio's efforts in these areas."

Unemployment: The U.S. added 213,000 jobs in June despite a loss of jobs in retail trade, but the unemployment rate rose to 4% as more people re-entered the labor force, the Bureau of Labor Statistics reported Friday.

The unemployment rate rose by 0.2 percentage points to 4% as the number of unemployed people rose by nearly 500,000 to 6.6 million, the BLS reported.

The overall labor force grew significantly, rising by 601,000, with the labor force participation rate rising 0.2 percentage points to 62.9%, the report said.

The survey found job gains of 50,000 for the month in professional and business services. Manufacturing employment grew by 36,000, mostly in durable goods manufacturing, including fabricated metal products (+7,000), computer and electronic products (+5,000) and primary metals (+3,000).

Motor vehicles and parts manufacturing bounced back from a loss of 8,000 jobs in May with a gain of 12,000 in June, the report found.

Health care employment was up 25,000 for the month, construction was up 13,000 and mining was up 5,000.

Retail trade lost 22,000 jobs, a month after seeing a gain of 25,000 in May.

State Highway Patrol: The patrol reported eight people were killed in four deadly crashes during the Fourth of July reporting period Tuesday and Wednesday. Impairment was a factor in at least one of the deadly crashes.

During last year's reporting period, from June 30 to July 4, there were 21 fatal crashes that killed 21 people, including eight OVI-related crashes, the patrol said.

Troopers made 296 impaired driving arrests and 276 arrests on drug charges. They responded to 297 crashes and assisted more than 2,000 motorists.

"When someone chooses to drive impaired the consequences can be deadly," Patrol Superintendent Col. Paul A. Pride said in a statement. "That's why troopers make OVI enforcement a priority, whether they're patrolling during a holiday weekend or any time of day. Motorists should always pre-plan a sober way home."

Natural Resources: The department's officers and partnering agencies issued 102 citations and 895 warnings last weekend during Operation Dry Water, a nationwide crackdown on impaired boating.

There were three boating-related fatalities in Ohio during the weekend, the ODNR said.

ODNR officers and partners contacted 3,500 boaters on 1,261 vessels for various violations during the crackdown.

The Division of Oil and Gas Resources Management reported that 2,840 permits had been issued for drilling in the Utica shale as of June 30, with 2,370 wells drilled and 1,904 in production.

Burke Blasts Cordray's Medicaid Comments; Soybean Group Sounds Tariff Alarm; Boccheri Calls For More Local Funding

A lawmaker on Friday accused Democratic gubernatorial candidate Richard Cordray of either lying about or not understanding the issue of Medicaid expansion.

Sen. Dave Burke (R-Marysville), who chairs the Senate Health, Human Services & Medicaid Committee, accused Mr. Cordray of twice in the past week saying that 26,000 children could be impacted if Medicaid expansion were rolled back.

However, Sen. Burke said in a statement that the expansion covers only childless adults.

"Richard Cordray continues to make Medicaid expansion a key part of his campaign for governor, but his statements over the past week prove he does not understand Ohio's Medicaid program. Cordray's comments in the media show he is either unprepared to be governor, or that he is willing to blatantly lie and use fear tactics to scare Ohioans into voting for him," he said.

"Medicaid comprises over 50% of Ohio's annual budget. If Richard Cordray doesn't understand such a key part of the state budget, then Ohioans simply cannot trust him to sit in the governor's office. Richard Cordray is making promises, and this week he's proven to us that that he doesn't know how he would keep them, even if he wanted to."

In response, the campaign of Mr. Cordray cited a 2016 report from the Georgetown University Center for Children and Families that credited Medicaid expansion for 26,000 children gaining insurance coverage from 2013-2015.

Tariff Concerns: The Ohio Soybean Association is sounding the alarm about retaliatory tariffs China has placed on American soybeans. The tariffs kicked in Friday in response to tariffs enacted by the Trump Administration that same day on an array of Chinese goods.

The group in a statement said 61% of all soybean exports go to China, which accounts for about \$14 billion annually in sales.

"This doesn't only hurt Ohio farmers, it will hurt the entire Ohio economy," said Allen Armstrong, OSA president and soybean farmer from Clark County. "We continue to believe that solutions can be found that do not involve tariffs and a trade war that will hurt all of rural America."

Local Funding: A new report by the Brookings Institute has led to a renewed call for more local government funding.

The report found that from 2010-2017, three Ohio cities ranked in the top 20 in population decline: Youngstown (19), Toledo (12) and Cleveland (5).

Rep. John Boccieri (D-Alliance) in a statement called for additional funding for local governments to stem the tide of population loss.

"You can push the responsibility of raising revenue to the lowest layers of government while sending more and more to state government," he said. "As elected officials, we have a duty to work together to get things done - regardless of who is in charge."

Case Remanded After Judge Cites Article In Sentencing; High Court Denies Stay Of Execution; Buckeye Institute Weighs In On Case...

A federal district court judge erred in doubling a man's sentence after citing a Cleveland.com article on opioid overdoses, the Sixth Circuit Court of Appeals ruled recently.

Marcus Fleming in July 2016 was pulled over by Canton police and found to be carrying nearly 1,000 grams of cocaine.

Based on federal sentencing guidelines, the prosecution recommended five years in prison for Mr. Fleming.

However, at the sentencing hearing Judge John Adams cited the article before handing down a 10-year sentence.

Mr. Fleming argued he was prejudiced by the use of the article because he did not know it would be cited at the sentencing hearing and he was not provided an opportunity to address the issues raised.

The Sixth Circuit agreed, finding the sentence was rendered in a procedurally unreasonable manner.

"The district court's consideration of information about mixed cocaine-opioid overdose deaths was a surprise because, before the sentencing hearing, there was no indication that opioids were relevant to this case, let alone that they would play a prominent role. Fleming was convicted for possession of cocaine, not opioids," Judge John Rogers wrote in the court's decision.

"Nothing in the record suggested that opioids were found in Fleming's car, or that Fleming had ever sold or possessed opioids, or even that any cocaine Fleming sold had ever been mixed with opioids. Of course, opioids have been a topic of grave public concern in recent years, as their devastating and tragic effects have been felt across the country. But it was far from apparent that they were relevant to Fleming's sentence for possession of cocaine."

Judge Rogers was joined by Judge Raymond Kethledge and Judge Damon Keith in his decision.

The case is remanded back to the district court for sentencing.

Stay Denied: The Ohio Supreme Court has declined to stay the execution of a man set to be put to death this month.

In a unanimous ruling the court declined to stay the July 18 execution of Robert Van Hook.

He is on death row after being convicted of the 1985 murder of David Self.

Judicial Deference: The Buckeye Institute has filed an amicus brief in a case that could end judicial deference to executive agencies' interpretations of the law.

"The practice of courts relying on agencies to interpret the law has proven to be dysfunctional, inconsistent with our constitutional system, and has led to the erosion of individual liberties," President and CEO Robert Alt said in a statement. "It is time for the Supreme Court to junk *Chevron*."

Disciplinary Proceedings: The Board of Professional Conduct announced that 12 cases have been certified for formal disciplinary proceedings.

Portman Sets Sights On Deferred Park Maintenance; Dems Welcome Pruitt's Exit; Ryan Tours Immigrant Facility

U.S. Sen. Rob Portman (R-Terrace Park) is among a bipartisan group of senators aiming to tackle about \$12 billion in deferred maintenance within the National Park Service.

He joined with senators Mark Warner (D-VA), Lamar Alexander (R-TN), and Angus King (I-ME) to introduce the Restore Our Parks Act, which has earned support from Secretary of the Interior Ryan Zinke, the National Parks Conservation Association, the Pew Charitable Trusts' Restore America's Parks Campaign and the Outdoor Industry Association.

"For more than a century, the National Park Service has been inspiring Americans to explore the natural beauty of our country," Sen. Portman said in a statement. "But in order to keep that work going, we need to ensure that they have the right resources to maintain our national parks. This bill will create the Legacy Restoration Fund to provide the National Park Service with funds for deferred maintenance projects."

The legislation would provide more than \$100 million in funding for work at parks and historic sites in Ohio. The vast majority of the funding would go toward improvements at two sites: Perry's Victory and International Peace Memorial in Put-in-Bay (\$47.7 million) and Cuyahoga Valley National Park in Cuyahoga and Summit counties (\$45.8 million).

Resignation: Democratic members of Ohio's congressional delegation had no kind words for U.S. EPA Administrator Scott Pruitt following his resignation Thursday.

"Scott Pruitt used taxpayer dollars to benefit himself while working to gut Lake Erie cleanup and the Renewable Fuel Standard and the Ohio jobs that depend on them," U.S. Sen. Sherrod Brown tweeted. "He never should have been confirmed in the first place, and it's past time for him to go."

U.S. Rep. Tim Ryan (D-Niles) issued a brief statement in response to the departure: "It's about time."

U.S. Rep. Joyce Beatty (D-Blacklick) simply tweeted "Byeeeeeee!" with a link to a media report about Mr. Pruitt's resignation.

Immigration: Rep. Ryan and three of his U.S. House colleagues from Michigan on Thursday received a tour of Bethany Christian Services' facility in Grand Rapids and learned about the organization's plans to reunite immigrant children with their families.

Rep. Ryan in a statement called the Trump administration's policy of separating children from parents at the U.S.'s southern border "state sponsored abuse."

"Children are traveling by themselves or with their loved ones to avoid violence and danger in their country, and they fled to the United States to find safety and security. They are doing what any responsible parent would do," he said. "But when they arrive at our border, the Trump Administration turns its back on our values and rips children away from their parents - with zero plan to bring them back together."

Hearing: Sen. Brown and Sen. Portman will conduct a field hearing of a congressional committee charged with solving looming pension problems next week at the Statehouse.

The House and Senate Joint Select Committee on Pensions will meet at 2 p.m. next Friday at in the Finan Hearing Room. The hearing will allow panel members to receive testimony from Ohio workers and retirees who could be affected if Congress fails to take action.

Multiple plans Ohioans participate in, including the Central States Teamsters Pension Plan, the United Mine Workers Pension Plan, the Ironworkers Local 17 Pension Plan, the Ohio Southwest Carpenters Pension Plan and the Bakers and Confectioners Pension Plan "are currently on the "brink of failure," according to a news release from Sen. Portman's office.

The committee, which has 16 members appointed by House and Senate leadership, has been tasked with reporting a bill to resolve the issue by the end of November.

Capitol Scene: Child Caring Group Updates Name

The advocacy group formerly known as the Ohio Association of Child Caring Agencies has renamed itself the Ohio Children's Alliance, it was announced Friday.

The change, the group said, reflects the changing environment for child and family services.

"Our new name is more representative of our mission and the composition of our statewide network of community agencies," said Mark Mecum, the group's CEO. "Over the past five decades, our association has grown to over 70 community agencies that provide behavioral health, foster care, and other child and family services. We've also evolved into an alliance that fosters collaboration and innovation. Our new name symbolizes our commitment to Ohio's children and the agencies that serve them."

The organization was founded in 1973.

Governor's Appointments

State Dental Board: Tracy Intihar of Columbus to the for a term beginning July 6, 2018, and ending April 6, 2021.

Public Benefits Advisory Board: Dasmine Wright of Columbus for a term beginning July 6, 2018, and ending June 30, 2021.

Ohio Turnpike and Infrastructure Commission: Guy C. Coviello of Youngstown for a term beginning July 6, 2018, and ending June 30, 2023.

Ohio Arts Council: Darryl D. Mehaffie of Greenville, Farid Naffah, MD of Cortland, and Neal F. Zimmers, Jr., JD of Granville have been reappointed to the for terms beginning July 6, 2018, and ending July 1, 2023.

Supplemental Agency Calendar

Tuesday, July 10

Radioactive Materials Committee, 35 E. Chestnut St., Basement Training Room A, Columbus, 10:30 a.m.

Friday, July 13

Board of Voting Machine Examiners, 17th Fl., 180 E. Broad St., Columbus, 10 a.m.

Supplemental Event Planner

Monday, July 9

Release of June casino revenue figures, 1:30 a.m.

17 S. High St., Suite 630

Columbus Ohio 43215

Phone: 614-221-1992 | Fax: 614-221-7844 | Email: gongwer@gongwer-oh.com

Scott Miller, President | Kent Cahlander, Editor | Mike Livingston, Dustin Ensinger, Jon Reed, Tom Gallick, Staff Writers

Click the  after a bill number to create a saved search and email alert for that bill.

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Daily Activity Planner for Saturday, July 7-Monday, July 9

Legislative Committees

Monday, July 16

Senate Finance (Committee Record) (Chr. Oelslager, S., 466-0626), Finance Hearing Rm., 3 p.m.

HB 123 **LENDING LAWS** (Koehler, K., Ashford, M.) To modify the Short-Term Loan Act, to specify a minimum duration requirement for loans made under the Small Loan Law and Mortgage Loan Law, and to limit the authority of credit services organizations to broker extensions of credit for buyers. (6th Hearing-All testimony-Possible amendments & vote)

Agency Calendar

Monday, July 9

State Board of Education, 25 South Front St., Columbus, 8:30 a.m.
Controlling Board, North Hearing Rm., Senate Bldg., Columbus, 1:30 p.m.

Event Planner

Monday, July 9

Release of June casino revenue figures, 1:30 a.m.
Rep. Gary Scherer (R-Circleville) golf outing fundraiser, Cooks Creek Golf Club, 14065 U.S. Rt. 23, S. Bloomfield, 11 a.m., (11 am registration; 12 pm shotgun)

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Legislative Committee Schedules beginning 7/9/2018

Monday, July 9

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Tuesday, July 10

Senate Finance (Committee Record) (Chr. Oelslager, S., 466-0626), Finance Hearing Rm., 9 a.m.

- If needed

HB 123 **LENDING LAWS (Koehler, K., Ashford, M.)** To modify the Short-Term Loan Act, to specify a minimum duration requirement for loans made under the Small Loan Law and Mortgage Loan Law, and to limit the authority of credit services organizations to broker extensions of credit for buyers. (7th Hearing-Possible amendments & vote)

Senate Rules & Reference (Committee Record) (Chr. Obhof, L., 466-7505), Majority Conf. Rm., 10 a.m.

Senate Session (Committee Record) (Chr. Obhof, L., 466-4900), Senate Chamber, 11 a.m.


Thursday, July 12

Ohio Retirement Study Council (Committee Record) (Chr. Schuring, K., 228-1346), Rm. 121, 10 a.m.
Managed Long-Term Services and Supports Study Committee (Chr. Burke, D., 000-0467), Senate Finance Hearing Rm., 10 a.m.

- Providers and consumers of MyCare services will be invited to share their perspectives on MyCare Ohio along with Q & A (100 minutes); Quality Measures Data from Department of Medicaid (20 minutes)

Monday, July 16

Joint Committee on Agency Rule Review (Committee Record) (Chr. Uecker, J., 644-6030), Senate Finance Hearing Rm., 1:30 p.m.

NOTE: Click bill or resolution number links to see the legislative history compiled by Gongwer News Service. Click the  after a bill number to create a saved search and email alert for that bill. Click "Full Text" if present to view the text of legislation on the Legislature's Web site.

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Event Planner

Monday, July 9

Release of June casino revenue figures, 1:30 a.m.

Rep. Gary Scherer (R-Circleville) golf outing fundraiser, Cooks Creek Golf Club, 14065 U.S. Rt. 23, S. Bloomfield, 11 a.m., (11 am registration; 12 pm shotgun)

Tuesday, July 10

Rep. Scott Lipps (R-Franklin) fundraiser, Due Amici, 67 E. Gay St., Columbus, 11:30 a.m., (Host: \$1,000, Sponsor: \$500, Patron: \$350 to Friends of Scott Lipps)

Wednesday, July 11

Rep. Richard Brown (D-Canal Winchester) fundraiser, The Paddock Club, 1005 Richardson Rd., Groveport, 5:30 p.m., (Sponsor Levels: Sponsor \$250, Host \$100, Guest \$50 to Citizens for Richard Brown)

Thursday, July 12

Rep. Hearcel Craig (D-Columbus) fundraiser, Crest Gastropub, 621 Parsons Ave., Columbus, 5:30 p.m., (Host \$500, Friend \$250, Supporter \$150; Guest \$69 to Friends of Hearcel F. Craig)

Monday, July 16

Rep. Bill Reineke (R-Tiffin) golf outing fundraiser, Mohawk Golf Course, 4399 OH-231, Tiffin, 8:30 a.m., (8:30 am registration; 10 am shotgun)

Tuesday, July 17

Republican Senate Campaign Committee MLB All-Star Game fundraiser, Dock 79, 79 Potomac Ave SE, Washington DC, 5 p.m., (Walk Off: \$5,000 | Grand Slam: \$2,500 | Home Run: \$1,000 to RSCC)

Thursday, July 19

ALEC Annual Meeting, Denver

Sen. Stephanie Kunze (R-Hilliard) manicure fundraiser, W Nail Bar, 946 N. High Street, Columbus, 4 p.m., (PAC: \$500 | Individual: \$250 | Young Professional: \$50 to Citizens for Stephanie Kunze. RSVP is required to ensure appointment.)

Sen. Matt Dolan (R-Chagrin Falls) Batter Up fundraiser, Progressive Field, 2401 Ontario Street, Cleveland, 4 p.m., (4:00pm Warm Up & Batting | 5:30pm Reception. Grand Slam: \$5,000 | Home Run: \$2,500 | Single: \$1,000 | Spectator: \$150 to Friends of Matt Dolan)

Friday, July 20

ALEC Annual Meeting, Denver

Rep. Tom Patton (R-Strongsville) golf outing fundraiser, Mallard Creek Golf Club, 34500 Royalton Road (SR 82), Columbia Station, 10 a.m., (10:00 am Shotgun start; Tournament: \$2,000, Eagle: \$1,000; Foursome: \$600, Birdie:\$5000, Person: \$150 to Friends of Tom Patton)

Saturday, July 21

ALEC Annual Meeting, Denver

Sunday, July 22

YMCA Youth & Government Leaders Training School, Statehouse, Columbus

Monday, July 23

YMCA Youth & Government Leaders Training School, Statehouse, Columbus

Sen. Matt Huffman (R-Lima) golf outing fundraiser, Hidden Creek Golf Club, 6245 Sugar Creek Road, Lima, 9 a.m., (9:00am Registration | 10:00am Shotgun Start. Event Sponsor: \$1,000 | Foursome: \$400 | Tee or Green Sponsor: \$200 | Individual Golfer: \$100 to Huffman for Ohio)

Tuesday, July 24

YMCA Youth & Government Leaders Training School, Statehouse, Columbus

Rep. Bill Seitz (R-Cincinnati) fundraiser, Gresso's, 961 S. High St., Columbus, 5 p.m., (Gold: \$2,000; Silver: \$1,000; Bronze: \$500 to Seitz for Ohio)

Wednesday, July 25

YMCA Youth & Government Leaders Training School, Statehouse, Columbus

Sen. Rob McColley (R-Napoleon) golf outing fundraiser, Eagle Rock Golf Club, 211 Carpenter Road, Defiance, 11 a.m., (11:00am Registration and Lunch | 12:00pm Shotgun Start | 5:30pm Cocktail Hour | 6:00pm Dinner with State Rep. Craig Riedel. Event Sponsor: \$2,500 | Tee Sponsor: \$1,000 | Green Sponsor: \$500 | Foursome: \$400 | Dinner Sponsor: \$250 | Individual Golfer: \$100 to Citizens for McColley)

Thursday, July 26

YMCA Youth & Government Leaders Training School, Statehouse, Columbus

Rep. Craig Riedel (R-Defiance) golf outing fundraiser, Eagle Rock Golf Club, 211 Carpenter Rd., Defiance, 9:30 a.m., (9:30 Shotgun Start. Event:\$2,500, Tee:\$1,000, Green:\$500, Foursome:\$400, Golfer: \$100 to Citizens to Elect Craig Riedel)
Rep. Bill Blessing (R-Cincinnati) fundraiser, Via Vite, 520 Vine St., Cincinnati, 11:30 a.m., (Sponsor: \$1,000, Host: \$500, Guest: \$250 to Citizens for Blessing)

Friday, July 27

YMCA Youth & Government Leaders Training School, Statehouse, Columbus

Monday, July 30

NCSL Legislative Summit, Los Angeles

Tuesday, July 31

NCSL Legislative Summit, Los Angeles

Deadline to file semi-annual campaign finance reports

Wednesday, August 1

NCSL Legislative Summit, Los Angeles

Rep. Riordan McClain (R-Upper Sandusky) golf outing fundraisesr

Thursday, August 2

NCSL Legislative Summit, Los Angeles

Rep. Anne Gonzales (R-Westerville) Lake Erie fundraiser, Dock's Beach House, 252 W. Lakeshore Drive, Port Clinton, 4 p.m., (Sponsor: \$2,500 | Host: \$1,000 | Guest: \$500 to Citizens for Anne Gonzales)

Friday, August 3

Deadline for statewide candidates to file July campaign finance reports

Speaker Ryan Smith (R-Bidwell) golf outing fundraiser, Cliffside Golf, 100 Cliffside Drive, Gallipolis, 9 a.m., (Coffee/Registration: 9:00am; Shotgun Start: 10:00am; Event Chair: \$12,707.79; Event host: \$5,000; Event sponsor: \$2,500; Tee Sponsor: \$1,000; Foursome: \$500; Individual Golfer: \$150; Reception only: \$75 to Friends of Ryan Smith)

Sen. Sandra Williams (D-Cleveland) fundraiser, FOP Hall, 2249 Payne Ave., Cleveland, 5 p.m., (\$200 (table); \$20 (friend) to Friends of Sandra Williams)

Tuesday, August 7

Special election for 12th Congressional District seat

Rep. Laura Lanese (R-Grove City) fundraiser, Condado, 132 S. High St., Columbus, 11:30 a.m., (Host: \$1,000, Sponsor: \$500, Patron: \$350 to Lanese for Ohio)

Wednesday, August 15

Rep. Theresa Gavarone (R-Bowling Green) golf outing fundraiser

Thursday, August 16

Sen. Bob Hackett (R-London) golf outing fundraiser

Friday, August 17

Sen. Bill Beagle (R-Tipp City) Fly Fishing fundraiser

Monday, August 20

Rep. Laura Lanese (R-Grove City) golf outing fundraiser, Pinnacle Golf Club, 1500 Pinnacle Golf Club Dr., Grove City, 10 a.m., (10:00 am Registration, 11:00 am Shotgun start, Dinner to follow; Event: \$1,500, Food and Beverage: \$700, Golfer: \$150; Hole: \$100 to Lanese for Ohio)

Thursday, August 23

Hamilton County GOP State Legislative golf outing fundraiser

Monday, August 27

Rep. Scott Ryan (R-Newark) golf outing fundraiser, Denison Golf Club, 555 Newark Granville Rd., Granville, 9 a.m., (9:00 am Registration, 10:00 am Shotgun Start. Event: \$2500; Food and Beverage: \$1000; Tee: \$750; Foursome: \$500; Golfer: \$125; Green: \$100 to Citizens for Scott Ryan)

Saturday, September 1

Lobbyists/Employers can begin filing May-August 2018 Activity & Expenditure Reports

Thursday, September 6

**Deadline for statewide candidates to file August campaign finance reports
Rep. Rick Carfagna (R-Westerville) golf outing fundraiser**

Friday, September 14

Rep. Dave Greenspan (R-Westlake) golf outing fundraiser, Springdale Golf Course, 5871 Canterbury Road, North Olmstead, 9 a.m., (9:00 am Shotgun Start, Lunch at the Turn, Dinner to follow; Dinner Sponsor: \$1,500, Lunch Sponsor: \$1,000, Drink Sponsor: \$750, Hole Sponsor: \$100; Foursome: \$500, Single Golfer: \$125, Dinner only: \$60 to Friends of Dave Greenspan)

Thursday, September 27

Sen. President Larry Obhof (R-Medina) shotgun fundraiser

Friday, September 28

**Rep. Dave Greenspan (R-Westlake) golf outing fundraiser
Sen. Joe Uecker (R-Loveland) Day at the Races fundraiser**

Monday, October 1

JLEC Deadline for filing May-August 2018 Activity & Expenditure Report

Wednesday, October 3

Deadline for statewide candidates to file September campaign finance reports

Thursday, October 25

Deadline to file pre-general campaign finance reports

Tuesday, November 6

General election day

Thursday, November 8

2018 Impact Ohio Post Election Conference, Greater Columbus Convention Center, 400 N. High St., Columbus

Saturday, December 1

Lobbyists can begin renewing Legislative, Executive and Retirement System registrations for 2019

Friday, December 14

Deadline to file post-general campaign finance reports

Monday, December 31

All 2018 Legislative, Executive and Retirement System lobbying registrations expire in OLAC

Thursday, January 31

Deadline to 2018 annual campaign finance reports

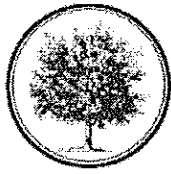
Deadline to 2018 annual campaign finance reports

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From: The Buckeye Institute
Sent: Tuesday, July 10, 2018 11:06 AM
To: Rep48
Subject: The Buckeye Institute Launches Workers Choose Campaign to Allow Public Employees to Express First Amendment Rights in Wake of Janus Ruling



THE BUCKEYE INSTITUTE

Contact: Lisa Gates, Vice President of Comms

FOR IMMEDIATE RELEASE

July 10, 2018

(614) 224-3255 or Lisa@BuckeyeInstitute.org

The Buckeye Institute Launches Workers Choose Campaign to Allow Public Employees to Express First Amendment Rights in Wake of *Janus* Ruling

Columbus, OH -- Following the U.S. Supreme Court's decision in *Janus v. AFSCME*, The Buckeye Institute launched its Workers Choose campaign, which gives public employees in Ohio the tools they need to express their newly-recognized First Amendment rights.

"In *Janus v. AFSCME*, the U.S. Supreme Court ruled that public-sector workers can no longer be forced to pay for political speech without their affirmative consent," said Robert Alt, president and chief executive officer of **The Buckeye Institute**. "For public-sector employees who seek to exercise their First Amendment rights and withdraw from their government union, **WorkersChoose.org** will allow them to initiate the process online in three easy steps. For those workers who are happy to continue supporting their government unions, they also have the First Amendment right to maintain their membership in them. The Janus decision is a win for all of our public workers, who are now respected and have a right to choose -- and those choices must be honored. I'm not sure how anyone could be opposed to letting workers decide for themselves."

To initiate the process of withdrawing from their government union, visitors to **WorkersChoose.org** will:

- Be asked to provide their name and email address;
- Find and select the county in which they work from a dropdown menu;
- Choose their employer from a dropdown menu; and
- Identify their government union in a dropdown menu.

Instructions will then appear that outline the opt-out process for that union and, when known, the specified timeframe or opt-out window. A completed notification letter, unique for each user, will be available for download and submission, as will union and employer contact information. Workers will simply need to download the letter and either email or send a hard copy to the listed contacts as instructed. If workers are required to email or send their notification letter at a future date, visitors have the option of signing up to receive an email notification when their opt-out window opens.

For public employees who have questions, there is a toll-free number, 1-855-e-Choose, and an email address, WorkersChoose@BuckeyeInstitute.org, that they can use for further assistance.

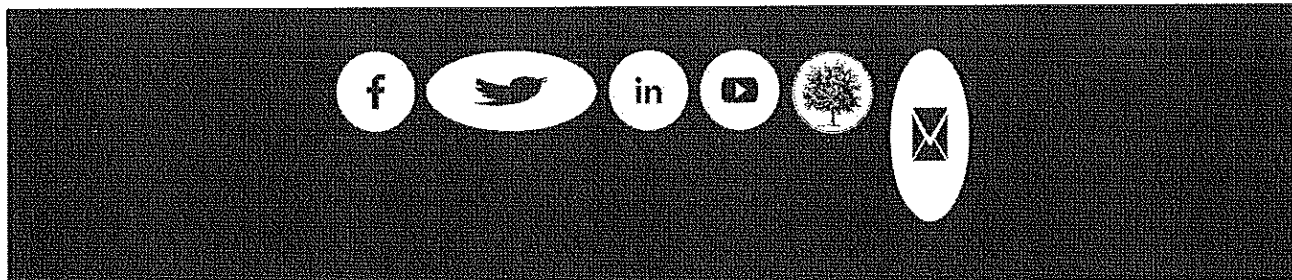
"If you are one of Ohio's hardworking teachers or other public-sector employees who prefer not to financially support or participate in your government union, WorkersChoose.org will allow you to begin the notification process today," said Alt.

###

Founded in 1989, The Buckeye Institute is an independent research and educational institution -- a think tank -- whose mission is to advance free-market public policy in the states.

The Buckeye Institute is a non-partisan, non-profit, and tax-exempt organization, as defined by section 501(c)(3) of the Internal Revenue code. As such, it relies on support from individuals, corporations, and foundations that share a commitment to individual liberty, free enterprise, personal responsibility, and limited government. The Buckeye Institute does not seek or accept government funding.





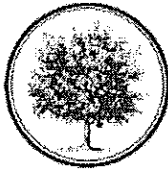
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Suite 1120, Columbus, OH 43215

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Sent by info@buckeyeinstitute.org

From: The Buckeye Institute
Sent: Wednesday, July 11, 2018 8:00 PM
To: Rep48
Subject: The Buckeye Institute Reacts to DeWine's Support of Medicaid Expansion in Ohio



THE BUCKEYE INSTITUTE

Contact: Lisa Gates, Vice President of Comms

FOR IMMEDIATE RELEASE

July 11, 2018

(614) 224-3255 or Lisa@BuckeyeInstitute.org

The Buckeye Institute Reacts to DeWine's Support of Medicaid Expansion in Ohio

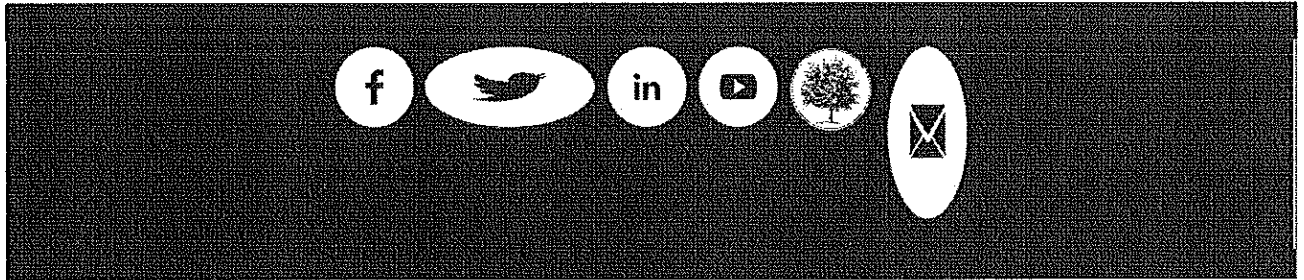
Columbus, OH -- The Buckeye Institute responded to Attorney General Mike DeWine's statement that he now supports Medicaid expansion in Ohio, saying in a Tweet, "This is ill-advised."

###

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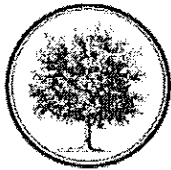
The Buckeye Institute, 88 East Broad Street,
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Sent by info@buckeyeinstitute.org

From: The Buckeye Institute
Sent: Thursday, July 12, 2018 7:01 AM
To: Rep48
Subject: Medicare for All is a Poor Prescription for What Ails Health Care, By Greg R. Lawson



THE BUCKEYE INSTITUTE

Medicare for All is a Poor Prescription for What Ails Health Care

By Greg R. Lawson
July 11, 2018

Guaranteeing high quality health care at a cost that does not break the piggy bank is one of the great challenges confronting policymakers today. Everyone wants access to the best possible health care at the best possible prices. Obamacare was supposed to help. It did not. Now, an even more harmful idea is making the rounds among many politicians, **Medicare for All**.

The costs of implementing this system -- if anyone can determine how the system is to work in the first place -- will be astronomical, and is why advocates for the idea should level with the public about costs.

This program, popularized by Vermont Senator Bernie Sanders, is a single-payer health care system, with taxpayers on the hook for costs. Already, several states, including Sen. Sanders' own **Vermont**, and **California**, have attempted such endeavors and have found that the easy promises and talking points fade into irrelevance when confronted with fiscal reality.

The projected state price tag for Vermont, with a population of only 620,000 people, is around \$2.6 billion. California's costs are much higher and are estimated to be around \$400 billion, of which \$50 to \$100 billion will be new spending. This would require

either a massive tax increase or major reductions to other state services such as education.

The cost for a national program would naturally be exponentially larger. Sen. Sanders himself estimated a 10-year cost of \$13.8 trillion (yes with a "T")! Other analyses found that to be a lowball estimate, with the **Urban Institute** (hardly a conservative organization) estimating an eye-popping increase of \$32 trillion in federal spending requiring ever more debt, tax increases, or cuts to other necessary programs.

Costs are not the only problem. By putting spending control in the hands of government bureaucrats, the program fails to allow consumers to look for the best services they and their family need. Just as bad, once the cost becomes too much, Medicare for All will lead to **lower quality of care while stifling innovation**.

Supporters of this tax-payer funded system should explain how they will pay for the program while not diminishing people's health care coverage and services, and how they will avoid stunting the innovation Americans expect in the health care marketplace. If they can't explain this, then they are merely playing to the political crowd and not offering real solutions to real challenges.

A **better solution** is to look to the states and focus on increasing access to a larger number of health care providers that will help connect people to care while also driving down costs. There are many ways this can be achieved.

- Including different health care practitioners, such as nurses, **to expand the care** they are allowed to provide patients.
- **Expand telemedicine** to help improve outcomes by getting treatment to people quicker and at a lower cost
- Increase the use of **charity care** to treat economically disadvantaged people without thrusting them into a government run program.
- Embrace **health care price transparency**, that has been attempted (and stymied by special interests) in Ohio, which would tell consumers the real costs of the procedures they are considering. This would create a demand for better services at better prices.
- Adopt patent reforms that will facilitate a speedier path to market for high-quality, less expensive, generic drugs.

The bottom line is there are better ways to help Ohioans, and all Americans, get the health care they need and deserve without imposing a one-size fits all, Washington, DC run program. Policymakers need to focus on finding real solutions, not making easy

promises that will put us deeper in debt and trap people in a system of low-quality health care.

Greg R. Lawson is the research fellow at The Buckeye Institute.

###

Founded in 1989, The Buckeye Institute is an independent research and educational institution -- a think tank -- whose mission is to advance free-market public policy in the states.

The Buckeye Institute is a non-partisan, non-profit, and tax-exempt organization, as defined by section 501(c)(3) of the Internal Revenue code. As such, it relies on support from individuals, corporations, and foundations that share a commitment to individual liberty, free enterprise, personal responsibility, and limited government. The Buckeye Institute does not seek or accept government funding.



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Sent by info@buckeyeinstitute.org

From:

Sent: Tuesday, November 1, 2016 1:15 PM

To: Greg Lawson

Subject: FW: UC Interested Party Testimony

Attachments: 161102_Testimony_UnemploymentCompensationReform(Final).pdf

Hi Greg,

Vanessa Forwarded me your testimony for committee on Thursday. Can you please fill out the attached witness information

From: Burris, Vanessa [mailto:Vanessa.Burris@ohiosenate.gov]

Sent: Tuesday, November 01, 2016 9:03 AM

To: McCreedy, Graham <Graham.McCreedy@ohiohouse.gov>

Subject: FW: UC Interested Party Testimony

For Thursday!

Vanessa

From: Greg Lawson [mailto:greg@buckeyeinstitute.org]

Sent: Monday, October 31, 2016 4:28 PM

To: Burris, Vanessa

Subject: Re: UC Interested Party Testimony

Vanessa:

Here is my IP testimony before the joint UC Study committee this Thursday. Also, would it be possible to get PDF copies of the testimony from today's Tax 2020 Commission?

Greg R. Lawson
Senior Policy Analyst

The Buckeye Institute
88 East Broad Street, Suite 1120 | Columbus, Ohio 43215
(614) 224-4422 | BuckeyeInstitute.org



THE BUCKEYE INSTITUTE

**Interested Party Testimony Submitted to the
Unemployment Compensation Reform Joint Committee**

November 3, 2016

**Greg R. Lawson, Senior Policy Analyst
The Buckeye Institute for Public Policy Solutions**

Thank you Chairmen Peterson and Schuring and members of the Committee for the opportunity to testify today regarding reforms to Ohio's unemployment compensation system. My name is Greg R. Lawson. I am the Senior Policy Analyst at The Buckeye Institute for Public Policy Solutions, a free market think tank that believes low taxes and limited government regulations will lead to a more prosperous Ohio.

This committee has heard a great deal of testimony on the intricacies of unemployment compensation (UC) and the legislative reforms intended to address it. It is important, however, to consider this UC reform effort in the broader context of Ohio's economy.

For over half a century, Ohio has lagged behind the national average in job creation. More recently, the decade that opened the 21st century was economically disastrous for the Buckeye State. Ohio has not yet rebounded fully from the tech bubble burst in the early 2000s and is still down over 100,000 private sector jobs from March 2000.¹ Between 2000 and 2010, Ohio lost nearly 620,000 private sector jobs, more than any state in the country—except Michigan.² And with the exception of Central Ohio, the state remains mired in a lackluster economy unable to create new jobs anywhere near the national average. As a result, the state's labor force participation rate remains relatively low—just 62.6 percent in September.³ This is three-tenths of a percent lower than the national participation rate and signals that although Ohio's job market is no longer in triage, it still has a long road to a healthy recovery.⁴

¹ The Buckeye Institute, "Ohio by the Numbers -- November, 2015," The Buckeye Institute, accessed January 27, 2016, <http://buckeyeinstitute.org/uploads/files/ObN-2015-11.pdf>

² *Ibid.*

³ Ohio Department of Job and Family Services, "Employment Situation Indicators for Ohio, September, 2016," Ohio Department of Job and Family Services, accessed October 24, 2016, http://jfs.ohio.gov/RELEASES/unemp/201610/Ohio-US_EmploymentSituation.stmES/unemp/201601/Ohio-US_EmploymentSituation.stm.

⁴ Ohio Department of Job and Family Services, "Ohio and U.S. Employment Situation- Seasonally Adjusted," Ohio Department of Job and Family Services, accessed October 24, 2016, <http://jfs.ohio.gov/RELEASES/unemp/201610/index.stm>.

To build and maintain a strong economy, Ohio needs as its cornerstone a strong private sector that creates jobs—jobs that reward people for their hard work and offer them viable paths to financial security and prosperity. A responsive and responsible UC system can and should be part of rebuilding Ohio's economic structure by offering a "safety springboard" for Ohioans who can work, but need time to transition from job-loss back to the workforce. In this way, unemployment compensation should act as an insurance policy designed to mitigate the risk of temporary unemployment, but also gives individuals the appropriate incentives to seek and quickly find reemployment.

Unfortunately, most UC systems—including Ohio's—rely on funding mechanisms and taxes that have the perverse effect of making it harder for employers to expand their workforce and raise employee wages. As President Reagan once said, "If you want less of something, tax it." By confronting employers with higher tax rates on larger taxable wage bases—as some opponents of reform have recommended—Ohio risks stagnating and diminishing wage growth⁵ and fewer new jobs. Money that employers otherwise could use to enhance their workforces is siphoned off to pay the tax bill,⁶ so although it may look like employers fund Ohio's UC benefits, the employees ultimately bear the burden of the program.⁷ Thus, when reform opponents call for higher taxes on employers and taxable wage-base expansions,⁸ they unwittingly ask the General Assembly to sacrifice job- and wage-growth in exchange for what

⁵ John M. Barron, R. Preston McAfee, Paul J. Speaker, "Unemployment Insurance and the Entitlement Effect: A Tax Incidence Approach," *International Economic Review*, Volume 27, Issue 1 (Feb., 1986), 175-185, accessed January 27, 2016, https://www.researchgate.net/publication/5109550_Unemployment_Insurance_and_the_Entitlement_Effect_A_Tax_Incidence_Approach.

⁶ Deerga Raj Adhikari, Lynn Gray, Jackie Burns, "Effect of Unemployment Insurance Tax on Wages and Employment: A Partial Equilibrium Analysis," *Applied Economics Letters*, Volume 16, Issue 3 (2009), https://www.ok.gov/oesc_web/documents/ImiEfctOfUnempIns.pdf.

⁷ Stephen J. Entin, "Tax Incidence, Tax Burden and Tax Shifting: Who Really pays the Tax?" *The Heritage Foundation*, November 5, 2004, <http://www.heritage.org/research/reports/2004/11/tax-incidence-tax-burden-and-tax-shifting-who-really-pays-the-tax>.

⁸ Zach Schiller, "How Ohio Has Underfunded Unemployment Compensation," *Policy Matters Ohio*, November 24, 2014, <http://www.policymattersohio.org/2014uc>.

should be a temporary unemployment insurance policy. That is not a trade-off that builds a sound economy.

Instead of simply raising taxes on employers that will inevitably punish employees, UC reforms should focus on accomplishing three essential tasks.

- 1) **Keep Control in Ohio, Not Washington.** Ohio has wisely retired its debt to the Federal government in order to reduce the Federal unemployment tax (FUTA). Regaining full state control over Ohio's UC system will help ensure that all Ohio employers are treated fairly and according to their actual experience rating.
- 2) **Help Workers Get to Work.** Unemployment compensation reforms should be designed to help prospective workers return to gainful employment as quickly as possible. Research shows that the longer unemployment compensation is offered, the longer workers tend to remain unemployed.⁹ Even President Obama's former Chairman of the Council of Economic Advisors, Alan Krueger, has acknowledged this tendency: *"The empirical work on unemployment insurance (UI) and workers' compensation (WC) insurance finds that the programs tend to increase the length of time employees spend out of work"*¹⁰ In some cases, out-of-work individuals will go right up to the designated benefit week limit while seeking jobs they would prefer over

⁹ George C. Leef, "Unemployment Compensation: The Case for a Free Market Solution," *Regulation*, Winter 1998, accessed January 28, 2016, <http://object.cato.org/sites/cato.org/files/serials/files/regulation/1998/1/21-1f1.pdf>; Chris Edwards, "Emergency UI Benefits: Reasons Against," *The Cato Institute*, January 3, 2014, <http://www.cato.org/blog/emergency-ui-benefits-reasons-against>; Manuel Arellano, Samuel Bentolila, Olympia Bover, "Unemployment Duration, Benefit Duration, and the Business Cycle," *The Economic Journal*, Volume 112 (April 2002), 223-265, accessed October 27, 2016, https://www.researchgate.net/publication/4750977_Unemployment_Duration_Benefit_Duration_and_the_Business_Cycle; Lawrence F. Katz and Bruce D. Meyer, "The Impact of the Potential Duration of Unemployment Benefits on the Duration of Unemployment," *National Bureau of Economic Research*, October 1988, <http://www.nber.org/papers/w2741>.

¹⁰ Alan B. Krueger and Bruce D. Meyer, "Labor Supply Effects of Social Insurance," *National Bureau of Economic Research*, June 2002, <http://www.nber.org/papers/w9014.pdf>; Alan B. Krueger and Andreas Mueller, "Job Search and Unemployment Insurance: New Evidence from Time Use Data," *Institute for the Study of Labor*, August 2008, <ftp://ftp.iza.org/SSRN/pdf/dp3667.pdf>.

jobs that are available.¹¹ This is understandable, of course, but it costs the system and corporate taxpayers money, and negatively affects wages and job creation. To help counter the natural tendency to milk the system, policy-makers should consider implementing a sliding scale of benefit weeks in order to help move the unemployed back into the labor force.

- 3) **Limit Cross-subsidization.** Ohio's UC system should adopt reforms that will better calibrate the experience rating under state unemployment tax (SUTA) in order to reduce the current cross-subsidization of high-turnover employers. In its current configuration, some level of cross-subsidization is unavoidable, but a better calibration of the experience rating along with fewer caps for employers with high turnover will help minimize costs for most employers.¹² It may be tempting to think of such reforms as tax increases, but that would be a misleading over-simplification. Instead, think of limiting cross-subsidization as a type of user-fee—the more one uses a service, in this case accessing UC benefits, the more one typically pays.

It is critical to get reform measures for a system of this magnitude right. Indiscriminately hiking SUTA taxes or expanding the tax base will only dampen prospective job-growth. Slower job-growth harms all Ohioans—as it has now for decades—but it harms some communities more than others. In particular, fewer job prospects and slower growth tend to disproportionately harm Ohio's African-American communities.

Nationally, the unemployment rate among African-Americans remains much higher than among other demographics. According to the Bureau of Labor Statistics, the unemployment rate last month was 8.3 percent for African-Americans compared to 4.4 percent for whites.¹³ Similarly,

¹¹ James Sherk, "Improving Labor Market Calls for Reducing Unemployment Duration," The Heritage Foundation, February 16, 2012, <http://www.heritage.org/research/reports/2012/02/ui-benefits-reduce-unemployment-insurance-duration>.

¹² Joseph Henchman, "Unemployment Insurance Taxes: Options for Program Design and Insolvent Trust Funds," The Tax Foundation, October 17, 2011, <http://taxfoundation.org/article/unemployment-insurance-taxes-options-program-design-and-insolvent-trust-funds>.

¹³ Bureau of Labor Statistics, "Table A-2. Employment Status of Civilian Population by Race, Sex, and Age," U.S. Department of Labor, accessed October 24, 2016, <http://www.bls.gov/news.release/empstat.t02.htm>

unemployment confronts a staggering 27.2 percent of young African-Americans between 16 and 19, and 14.2 percent of young whites.¹⁴

As the debate over specific UC reforms continues, it is important to consider whether a more free-market approach might better address the needs of a fluid, 21st century labor market. Perhaps the stale, bureaucratic redistributive system has had its day and it is time for a change. Perhaps, for example, individuals should be able to set aside money in case of unemployment. Perhaps those same individuals should be permitted to draw down money from their own accounts while they seek jobs that suit their skillsets. And, perhaps, they should be able to convert unused benefits into savings so that they are better prepared for retirement in this increasingly turbulent job market.

Other countries, in fact, have tried and tested these free market ideas with great success. Chile, for instance, has a far more free market UC system¹⁵ that permits personal unemployment accounts—jointly funded by employers and employees—and gives employees the ability to use any unused balances during their retirement.¹⁶ Such a system gives employees “skin in the game,” which gives them a powerful incentive to find jobs faster and re-enter the workforce sooner when money that they might otherwise spend in retirement is drawn down during temporary unemployment.¹⁷

Giving employees “skin in the game” by allowing them to contribute directly to the UC system, however, will only work in a substantially reformed UC system. Such incentives created in an unreformed, non-personalized UC system—such as Ohio’s—will inevitably lead to severe political pressure to raise benefits and drain funding. And that pressure ultimately leads to tax increases and fewer jobs.

¹⁴ *Ibid.*

¹⁵ William B. Conerly, PhD, “Chile Leads the Way with Individual Unemployment Accounts,” National Center for Policy Analysis, November 12, 2002, <http://www.ncpa.org/pdfs/ba424.pdf>.

¹⁶ *Ibid.*

¹⁷ Gozalo Reyes, Jan van Ours, Milan Vodopivec, “Incentive Effects of Unemployment Insurance Savings Accounts: Evidence from Chile,” VoxEU, February 9, 2010, <http://www.voxeu.org/article/effects-unemployment-insurance-savings-accounts-new-insights-chile>

The primary reforms found in legislation this committee has been examining take reasonable, responsible first steps toward a better economic landscape. They are certainly more growth-oriented than alternative proposals that would simply hike corporate taxes without any significant benefit modifications. But the kind of small-scale reforms contemplated there will not solve Ohio's persistent inability to generate job- and wage-growth across the state. To address that challenge, Ohio needs a long-term rethinking of the UC system in order to free her businesses from the current, failed system and give Ohio workers more incentive to pursue job prospects while saving for the future.

Thank you for your time and I welcome any questions that the Committee may have.

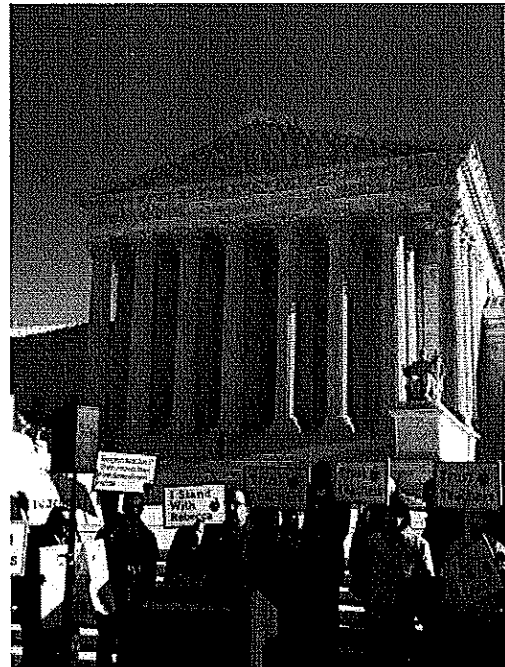
From: The Buckeye Institute
Sent: Monday, January 11, 2016 12:07 PM
To: Rep48
Subject: Buckeye President & CEO Robert Alt Speaks about Friedrichs on U.S. Supreme Court Steps

Buckeye Institute News Alert

Moments ago, Buckeye President & CEO Robert Alt finished his speech on the steps of the U.S.

Supreme Court where he addressed the media and explained that "Today's case is about securing the First Amendment rights for all public employees. It is about not being forced to pay for political speech with which you disagree. And, make no mistake, collective bargaining speech for public sector unions is political speech. For example, in Ohio, the unions negotiated to decide layoff decisions by a coin flip, instead of merit, which is of course blatantly unfair to good teachers and to their students." Alt noted that the Justices heard oral arguments outlining why forcing Rebecca Friedrichs to pay the unions is inherently political speech, and why it violates her 1st Amendment rights. We should expect the Justices to announce their decision on the case in June.

Alt posted several pieces on National Review's Bench Memos over the past week about the Friedrichs case, many of which were picked up by SCOTUSblog as well:



Robert Alt Speaks about Friedrichs on U.S. Supreme Court Steps

Professor Epstein to SCOTUS: Set the Workers Free

A Response to Justice Kagan: Ending Agency Fees Won't End Unions (Part 1)

A Response to Justice Kagan: Ending Agency Fees Won't End Unions (Part 2)

Not Inexorable: Why Stare Decisis Doesn't Require Adherence to Abood

The Money Behind the Friedrichs Case

Why Friedrichs Matters

#

The Buckeye Institute was founded in 1989 as an independent research and educational institution--a think tank--to formulate and promote free-market solutions for Ohio's most pressing public policy problems.

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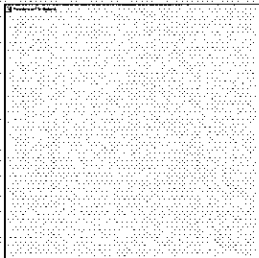
The Buckeye Institute | 88 E. Broad Street | Suite 1120 | Columbus | OH | 43215

From: The Buckeye Institute

Sent: Wednesday, March 30, 2016 4:32 PM

To: Rep48

Subject: SCOTUS split 4-4 on *Friedrichs* case yesterday: Buckeye's response? Until we meet again...



Buckeye Institute News Alert

In the wake of yesterday's decision in *Friedrichs v. California Teachers Association*, The Buckeye Institute offered commentary across the state and around the country to help make sense of the Supreme Court's ruling. We continue to fight for the First Amendment rights of all public employees.

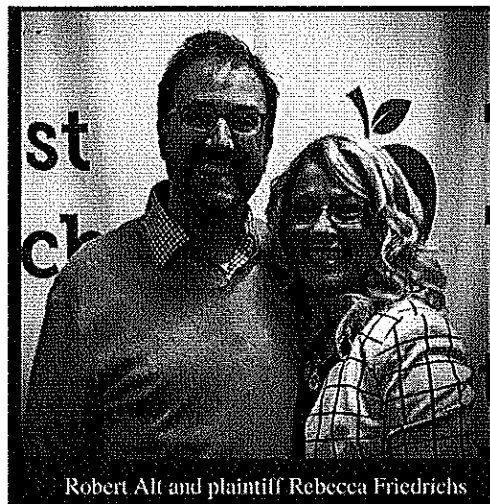
The Supreme Court 4-4 decision in the *Friedrichs* case was not surprising in its result, but the timing was certainly unexpected.

Contrary to the assertions of groups that opposed the First Amendment rights of workers, which prematurely praised the Supreme Court for deciding that mandating speech is good policy, the decision yesterday did no such thing. Buckeye President Robert Alt wrote a piece for National Review that is worth a read, in which he explains the significance of the case and this "non-decision."

Alt, a legal and constitutional scholar, has written extensively on this case in national legal publications. The Buckeye Institute filed an *amicus* brief with the Supreme Court in this case as well arguing that public school teachers, including lead plaintiff Rebecca Friedrichs, should not be forced to pay fees to unions in support of speech with which they disagree. In a conference call yesterday hosted by The Federalist Society discussing the outcome of *Friedrichs*, preeminent law professor Richard Epstein of the New York University School of Law praised Buckeye's *amicus* brief as being among the best filed in the case.

Robert Alt was at the Supreme Court on January 11 during oral arguments in the case to show support to plaintiff Rebecca Friedrichs and to stand behind The Buckeye Institute's *amicus* brief.

After the Supreme Court's decision came down yesterday, Alt fielded dozens of reporters' questions, held a press advisory conference call, and gave a radio interview to Associated Press Ohio through WOSU public radio that provided more context for the decision. The radio hit is short and worth a listen.



Robert Alt and plaintiff Rebecca Friedrichs

Newspapers from the Columbus Dispatch to Dayton Daily News and the Twinsburg Bulletin to the Crescent-News cited Buckeye, and we are pleased to continue The Buckeye Institute's streak of publicly commenting on timely and important policy and legal issues, particularly ones where we have been actively fighting for good policy to prevail.

Twenty-five states, including Ohio, still force public employees to pay some union agency fees in order to keep their jobs, even if the employees disagree with the political speech the unions support with those funds. The *Friedrichs* case demonstrates the necessity of replacing Justice Scalia with someone who will continue to uphold our constitutional rights to free speech. And it demonstrates the necessity of continuing to fight every day to ensure that the First Amendment rights of all public-sector workers are protected.

###

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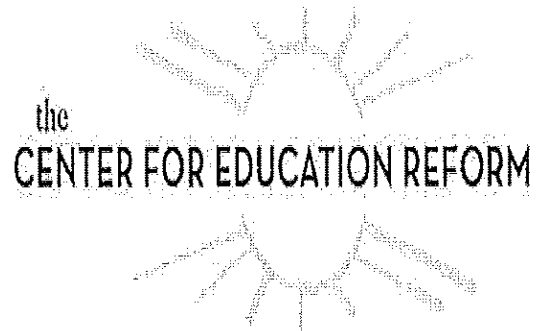
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DeVos debacle on Senate floor comes to a close, ESSA regulations to rollback, teacher freedom sees another day in court, and threats to digital learning access; all this and more in this week's Newswire...

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DeVos debacle on Senate floor comes to a close, ESSA regulations to rollback, teacher freedom sees another day in court, and threats to digital learning access; all this and more in this week's Newswire...

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WHILE YOU WERE SLEEPING... Senate Dems talked about DeVos all night? No, that's not what we're talking about. While you were sleeping on your comfy Posturepedic mattress, about 15 million children in poverty were probably not sleeping, and their parents were probably worried about whether they could make a future for their children, and what they'd be like if they did not get a great education (*which they don't, if you read the Nation's Report Card*) Want to talk for 24 hours? That's what the subject should be. Why don't we educate everyone? It's not money, and it's not because we don't have enough union rules to go around. It's because we limit the ability of our best educators and administrators to do their jobs, and as they're working overtime to address challenges, we limit the ability of parents to find schools that can address their

children's biggest needs, in real time. That's why the path to innovation is opportunity and why we call on our nation's leaders to get over this partisan bickering and bring real changes to American public education.

ESSA REG ROLLBACK. Perhaps the most important federal work at hand is starting over with the rules governing the Every Student Success Act, which the House is moving to do as you read this. The Congressional Review Act permits Congress to repeal regulations older than 60 days, which is the case with the Obama ESSA regs. Most education leaders and reformers are in unique agreement that the regs were an overreach and that the intent of the law was violated by numerous dictates created in them. This is why [@edreform's 100 Days Recommendations](#) outlines a path forward for lawmakers on this topic.



TEACHER FREEDOM. Teachers faced a setback in March of 2016 when the supreme court ruled issued a tied decision in the case of [Friedrichs v. California Teachers Association](#). Most concede that had the late great Antonin Scalia been present, more teachers would be well on their way to enjoying the critical freedoms they need to be the professionals they deserve to be. The tied decision left in tact mandatory agency fees and union membership. But now there's another chance to bit the apple. A band of concerned teachers has filed another suit in their local district court to try to overturn the *Friedrichs* decision.

We will be watching closely the upcoming case of *Yohn v. California Teachers Association*.



DIGITAL ACCESS THREATENED. Given the critical need to ensure all student are able to access 21st century learning technologies (but most are still restricted to 20th century classrooms), we were struck by the ridiculous move by the new FCC chairman to reverse funding to expand broadband access to students who have little. Not only does access to digital learning technologies expand the potential for school choice that the Trump Administration has vowed to support, but it also helps with expanding infrastructure in rural communities and putting people to work. Again, for a primer on why this is important, check out CER's 100 Days recommendations to help expand education in rural communities.



CER

FIRST 100 DAYS

In the News...

A leading pioneer of school reform from Philadelphia writes on *why the fight on DeVos is irrelevant.*

Education Week hosts [Jeanne Allen's commentary](#) on how advocates are strangling charter schools, and what the feds can actually do about it.

...And don't forget, more clips can always be found at CER's [Media Bullpen!](#)



The mission of the Center for Education Reform (CER) is to expand educational opportunities that lead to improved economic outcomes for all Americans, particularly our youth, ensuring that the conditions are ripe for innovation, freedom and flexibility throughout U.S. education.

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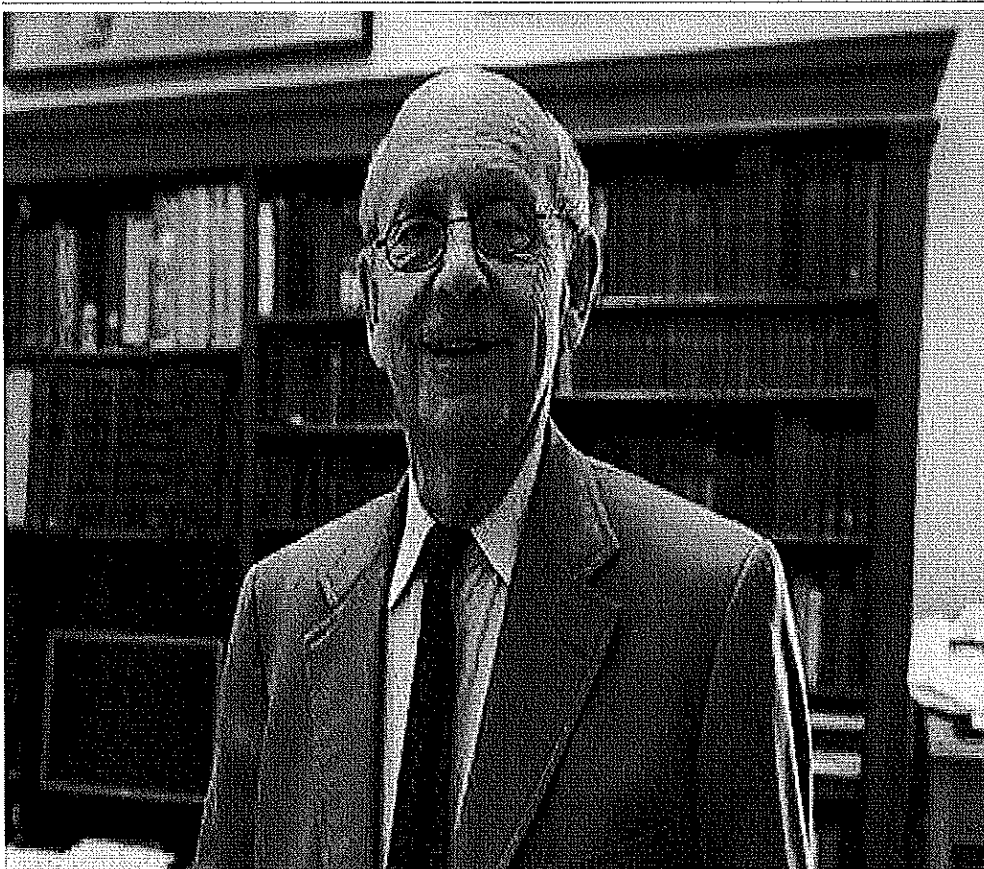
From: Public Policy Law360
Sent: Wednesday, July 12, 2017 4:25 AM
To: Rep48
Subject: EXCLUSIVE: Justice Breyer On The Limits Of Presidential Power



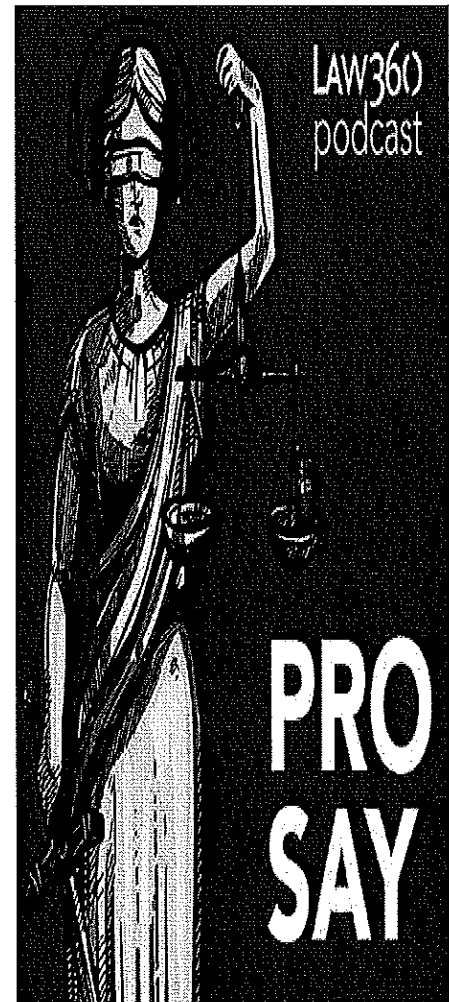
Wednesday, July 12, 2017



SUPREME COURT



EXCLUSIVE: Justice Breyer On The Limits Of Presidential Power



Justice Stephen Breyer discusses the Supreme Court's role as a check on executive authority and the global influence on U.S. courts, in the first of two articles based on an exclusive interview with the justice. [Read more »](#)

TOP NEWS

Analysis

Arbitration Rule Shows CFPB Unafraid Of Payday Reg Fight

The Consumer Financial Protection Bureau surprised observers when it released a rule curtailing the use of mandatory arbitration clauses despite the risk that Congress would nullify it, and experts say that means an equally contentious rule on payday lending could be on its way. [Read more »](#)

OSHA Convinces Judge To Halt Injury Reporting Rule Suit

A federal judge in Oklahoma opted Tuesday to pause a challenge by the U.S. Chamber of Commerce and other industry groups to the Occupational Safety and Health Administration's injury and illness reporting rule while the agency considers whether to undo all or part of the regulation. [Read more »](#)

Calif. Legislators Plan Cap-And-Trade Extension To 2030

California Gov. Jerry Brown and state lawmakers announced plans Monday to extend the state's cap-and-trade program by 10 years, through 2030, after an initial 2020 sunset date, with provisions that will require pollution monitoring in particularly polluted neighborhoods. [Read more »](#)

White House IT Director Roped Into Voter Privacy Row

Privacy advocates on Tuesday sought to expand their lawsuit in the District of Columbia federal court against the president's voter fraud panel to include the White House's tech director, saying the government can't duck claims the plan is an unsafe intrusion by simply changing transmission systems. [Read more »](#)

Sen. Cotton Starts Process To Rescind CFPB Arbitration Rule

Senate Banking Committee member Tom Cotton said Tuesday he is moving to block the Consumer Financial Protection Bureau's new final rule clamping down on financial companies' use of arbitration clauses to bar consumers from filing class action lawsuits, calling it an "anti-business regulation" that will hurt consumers and prompt frivolous lawsuits. [Read more »](#)

Analysis

Trump Jr. Only Draws More Scrutiny With Email Tweets

Donald Trump Jr. may have thought he had little to lose Tuesday by tweeting a chain of emails concerning his meeting with a Russian lawyer who promised dirt on Hillary Clinton, but his attempt at transparency will likely just invite more questions about what he knew of suspected Kremlin interference with the U.S. presidential election, attorneys say. [Read more »](#)

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2nd Circ. Ruling Backs Nuclear Subsidies, NY Regulator Says

New York utility regulators Monday pushed for the dismissal of a challenge to a state plan to subsidize struggling nuclear power plants, contending that a Second Circuit decision from June upholding a Connecticut program for soliciting renewable energy projects shows the New York plan doesn't run afoul of federal law. [Read more »](#)

EPA Floats Lifting Pebble Mine Block In Alaska

The U.S. Environmental Protection Agency on Tuesday said it wants to withdraw a proposal to block a massive open-pit mine in Alaska near the world's largest sockeye salmon fishery, fulfilling one of its obligations under a settlement reached earlier this year with the project developer. [Read more »](#)

Enviros, Tribal Groups Sue BLM Over Methane Rule Delay

Environmental and tribal citizen groups hit the U.S. Bureau of Land Management with a complaint Monday in California federal court, alleging the agency's decision to delay an Obama-era regulation to reduce methane waste on public land is illegal and will cost states, tribes and local governments millions in lost revenue. [Read more »](#)

Enviros Expand Border Wall Suit, Attack Lack Of Studies

The Trump administration is violating federal environmental laws by plowing ahead with prototype projects for a wall on the nation's southern border without first evaluating the potential impact on the environment, including on endangered creatures such as the Quino checkerspot butterfly, an environmental group has alleged. [Read more »](#)

HEALTH & LIFE SCIENCES

Akin Gump Nabs Ex-FDA Deputy Chief

Akin Gump Strauss Hauer & Feld LLP has brought aboard a high-ranking U.S. Food and Drug Administration official who oversaw much of the recent revolution in supply chain safety, the firm announced Tuesday. [Read more »](#)

TRANSPORTATION & INFRASTRUCTURE

House Transpo Panel Eyes \$900M For Hudson Tunnel Project

A crucial new rail tunnel under the Hudson River would receive \$900 million in federal funds under a draft transportation spending bill released Monday by the House Appropriations Committee, a major boost to yearslong efforts to overhaul a major New York to New Jersey artery. [Read more »](#)

NHTSA Reconsidering Maximum Fuel Efficiency Penalties

The National Highway Traffic Safety Administration is indefinitely delaying the institution of higher maximum penalties for automakers who don't meet fuel

Western Environmental Law Center

Wiley Rein

WilmerHale

Winston & Strawn

COMPANIES

AT&T Inc.

Air Line Pilots Association International

Alliance of Automobile Manufacturers

American Civil Liberties Union

American Federation of State, County and Municipal Employees

American Petroleum Institute Inc.

Associated Press

Center for Biological Diversity Inc.

Competitive Enterprise Institute

Council Of Better Business Bureaus Inc.

Electronic Privacy Information Center

Environmental Defense Fund Inc.

FedEx Corporation

Florida Immigrant Coalition

Global Automakers

John Wiley & Sons, Inc.

Microsoft Corporation

National Association of Broadcasters

National Association of Home Builders

National Association of Manufacturers

National Right to Work Legal Defense Foundation

National Wildlife Federation

Natural Resources Defense Council

Netflix Inc.

efficiency standards as the agency seeks further comment on the proposed change, according to two notices released Tuesday. [Read more »](#)

Don't Send GWB Scandal Architect To Prison, Court Told

The architect of the George Washington Bridge lane-closing scandal and prosecutors have called on a New Jersey federal court to sentence him on Wednesday to probation instead of prison for his role in the political revenge scheme, with the government crediting his cooperation for the convictions of two fellow conspirators. [Read more »](#)

EMPLOYMENT

Think Tank Says High Court Should Take Up Union Dues Case

The Competitive Enterprise Institute on Monday threw its support behind a nonunion Illinois state employee's challenge to mandatory public sector union dues at the U.S. Supreme Court, saying the labor union in the case has used so-called agency fees to pay for political and ideological advocacy. [Read more »](#)

Dems Tell Trump To Expand Paid Family Leave Plan

A group of more than 100 Democratic lawmakers, led by Rep. Rosa DeLauro, D-Conn., on Monday asked the Trump administration to broaden the proposal for paid family and medical leave that it unveiled in President Donald Trump's 2018 budget request, calling the current proposal "inadequate" to meet working families' needs. [Read more »](#)

GOVERNMENT CONTRACTS

DOD Watchdog Says 'Buy American' Compliance Inconsistent

The Defense Logistics Agency often does not comply with "Buy American" requirements in its procurements, the U.S. Department of Defense Office of Inspector General said in a report made public this week. [Read more »](#)

DOD Should Collect Data On Contract Incentive Fees: GAO

The U.S. Department of Defense should collect and analyze data on contract outcomes to determine whether an increased reliance on incentive fees over the past decade is improving contract performance, a report from the Government Accountability Office has found. [Read more »](#)

TAX

Ill. Appeals Court Upholds Block On Chicago-Area Soda Tax

An Illinois appeals court on Monday upheld a halt on Cook County's penny-per-ounce soda tax, siding with a lower court ruling handing a restraining order to businesses that say the tax flouts the state constitution. [Read more »](#)

3 Portuguese Ministers Named In Free Soccer Trips Probe

New York Times Co.

Nike Inc.

Northern Dynasty Minerals Ltd.

PHH Corporation

Public Citizen Inc.

Sierra Club

Talen Energy Corp.

TechFreedom

Telecommunications Industry Association

Turner Broadcasting System Inc.

Twitter Inc.

U.S. Chamber of Commerce

Umpqua Holdings Corporation

United Continental Holdings Inc.

Wilderness Workshop

GOVERNMENT AGENCIES

Army Corps of Engineers

Bureau of Citizenship and Immigration Services

Bureau of Indian Affairs

Bureau of Land Management

California Environmental Protection Agency

Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians

Consumer Financial Protection Bureau

Cow Creek Band of Umpqua Tribe of Indians

Defense Logistics Agency

Federal Acquisition Regulatory Council

Federal Aviation Administration

Federal Communications Commission

Federal Energy Regulatory Commission

Federal Railroad Administration

Portugal's attorney general named three junior ministers in charge of tax affairs, internationalization and industry as formal suspects Monday in a probe focusing on an energy company's gifts of travel, meals and tickets to watch the country's national soccer team play in last year's European Championship. [Read more »](#)

IMMIGRATION

Immigrants, Advocates Sue To Stop Trump's Voter Database

Voters, immigrants and advocates launched another challenge to the Presidential Advisory Commission on Election Integrity in Florida federal court on Monday, accusing it of violating the right to vote under the First Amendment and constitutional and statutory privacy protections by requesting that states supply personal voter registration information to a centralized federal database. [Read more »](#)

Ariz. County Fights \$1.38M Fee Request In Migrant ID Case

Maricopa County, Arizona, told a federal judge on Monday that the \$1.38 million in attorneys' fees sought by a migrants justice group and others in their suit that saw a permanent bar placed on the county sheriff's use of work verification documents to conduct criminal prosecutions for identity theft or forgery was unreasonable. [Read more »](#)

NATIVE AMERICAN

House OKs Bills Taking Tribal Lands Into Trust

The House on Tuesday passed a series of bills formally placing lands into trust or granting them to various tribes in California and other western states, paving the way for development on those lands that could include housing, hotels and even a winery — but with bans on gambling. [Read more »](#)

TELECOMMUNICATIONS

Chamber Signs Letter Opposing Broadband As Public Utility

The U.S. Chamber of Commerce and several trade associations wrote a letter to the Federal Communications Commission Tuesday supporting efforts to repeal Obama-era net neutrality regulations, asserting that a free and open internet does not equate to imposing public utility-style restrictions on broadband providers. [Read more »](#)

Microsoft To Use TV 'White Spaces' To Extend Net Service

Microsoft announced Monday it is moving forward with a plan to repurpose gaps between channels on TV-licensed spectrum as a way to extend internet service in rural areas, but at least one industry group says the software giant is just seeking an advantage after it refused to participate in a spectrum auction. [Read more »](#)

Federal Trade Commission
Federal Transit Administration
Food and Drug Administration
Government Accountability Office
Maritime Administration
National Highway Traffic Safety Administration
National Railroad Passenger Corporation
National Security Agency
Occupational Safety and Health Administration
Port Authority of New York & New Jersey
U.S. Army
U.S. Attorney's Office
U.S. Customs and Border Protection
U.S. Department of Defense
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of Transportation
U.S. Department of the Interior
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. Office of Personnel Management
U.S. Senate
U.S. Supreme Court

Congress Best Suited To Mediate Net Neutrality, Group Says

Telecom advocacy group TechFreedom on Tuesday criticized an online protest planned for Wednesday to defend net neutrality rules as a movement that ignores the issue at the core of internet freedom, saying the push for FCC action is shortsighted and that congressional legislation is what's truly needed. [Read more »](#)

EXPERT ANALYSIS

CFPB Arbitration Rule Increases Class Action Risk

If it becomes effective, a controversial new final rule issued by the Consumer Financial Protection Bureau on Monday will make it easier for consumers to bring class action lawsuits against financial companies. However, the CFPB has been targeted by the current administration, and Congress is empowered to override the rule, say attorneys with Holland & Knight LLP. [Read more »](#)

Ex-NAD Director Looks Back On 20 Years And 2,600 Decisions

Reflecting on over two decades at the National Advertising Division, it's hard to discern any clear pattern regarding the type of products, legal issues or the sheer number of cases that came before us. Looking ahead, with advertising metamorphosing into so many different formats, I think identifying "what is advertising" is going to be the biggest challenge, says Andrea Levine, former director of the National Advertising Division. [Read more »](#)

Welcomed Changes For Cos. Hiring Foreign Talent: Part 1

A new immigration regulation that went into effect earlier this year provides for greater flexibility in the ways U.S. employers can recruit and sponsor foreign professionals for temporary visas and U.S. permanent residence. In this three-part series Andrew Greenfield of Fragomen, Del Rey, Bernsen & Loewy LLP discusses how the new rules will impact various aspects of employers' recruiting and sponsorship practices. [Read more »](#)

LA Leads The Way With Draft Commercial Cannabis Regs

Los Angeles' City Council recently released proposed regulations governing commercial cannabis activity in the city, and the Department of City Planning released a draft ordinance proposing land use requirements for the cannabis industry. It is likely that other cities in California will look to Los Angeles' regulations as a basis for enacting their own laws, says Michael Rosenblum of Thompson Coburn LLP. [Read more »](#)

5 Questions To Ask Firm Before Accepting A Litigation AFA

Outside counsel experienced with alternative fee arrangements will have many war stories regarding successful — and less successful — fee arrangements. Asking outside counsel to share these experiences can provide useful insight

into the strength of a proposed AFA, say attorneys with WilmerHale. [Read more »](#)

LEGAL INDUSTRY

Judge Slams Sessions, Union Attys For Sloppy Briefs

Seventh Circuit Chief Judge Diane P. Wood issued a stern warning Tuesday to attorneys filing sloppy jurisdictional statements, striking a brief filed by U.S. Attorney General Jeff Sessions and another filed by attorneys for a pilots union as a reminder that briefs must be "complete and correct." [Read more »](#)

Law Firm Leaders Confident In Next 6 Months, Survey Says

Law firm managers are looking forward to the second half of 2017 with more confidence across the board than they did the previous six months, according to the results of a survey by Citi Private Bank's law firm group released on Tuesday. [Read more »](#)

DC Circ. Judge Janice Rogers Brown To Retire

Judge Janice Rogers Brown will retire from the U.S. Circuit Court of Appeals for the D.C. Circuit, paving the way for President Donald Trump to appoint a new member to the nation's second-highest court. [Read more »](#)

Ex-Novak Partners Ink Wage Deal, Eye Polsinelli To Collect

Two former Novak Druce Connolly Bove & Quigg LLP partners have inked a \$500,000 settlement in their wage dispute with the troubled firm, and their attorney told Law360 on Tuesday he may pursue their former partners or Polsinelli PC, where many moved, in order to collect. [Read more »](#)

Ashurst, Akin Gump Continue London Pay Increases

Salaries for budding lawyers continue to climb in London, with Ashurst LLP bumping pay for newly minted attorneys to £72,000 (\$92,515) a year, among other increases, and Akin Gump Strauss Hauer & Feld LLP giving a boost to its trainees in the city, the firms confirmed to Law360 on Tuesday. [Read more »](#)

JOBS

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From: Public Policy Law360
Sent: Wednesday, August 30, 2017 4:23 AM
To: Rep48
Subject: H-1B Petitioners Hit With Surprise Scrutiny Increase



Wednesday, August 30, 2017



TOP NEWS

Analysis

H-1B Petitioners Hit With Surprise Scrutiny Increase

With the Trump administration ramping up scrutiny of the H-1B visa program for skilled foreign workers, immigration attorneys say they're seeing an increase in government requests for evidence on H-1B petitions, with extra attention paid to those that offer entry-level wages. [Read more »](#)

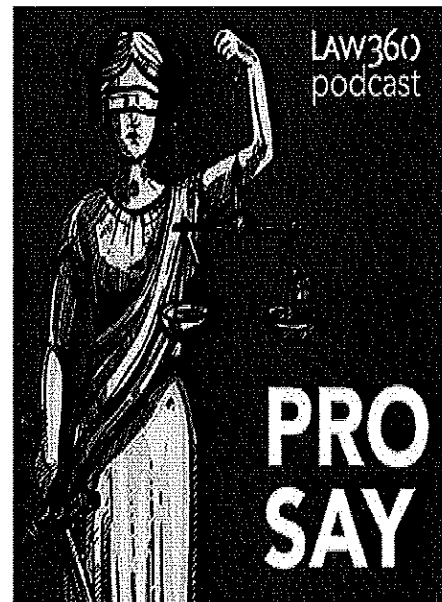
Fed. Circ. Hammers Gov't Defense Of 'Scandalous' TM Ban

A Federal Circuit panel tore into the U.S. government's defense of a law banning the registration of "scandalous and immoral" trademarks on Tuesday, asking why that prohibition should stand after one for "disparaging" marks was just scrapped by the U.S. Supreme Court under the First Amendment. [Read more »](#)

Analysis

DOL's OT Rule Strategy May Leave Employers In Limbo

The U.S. Department of Labor's decision not to ask the Fifth Circuit to pause a challenge to an injunction freezing the Obama administration's controversial overtime rule while the agency crafts a replacement means the 2016



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LAW FIRMS

Altshuler Berzon
Arnold & Porter Kaye Scholer
Boies Schiller
Cadwalader Wickersham
Casellas Alcover
Cozen O'Connor
Crowell & Moring
Drinker Biddle

regulations could get a green light before a replacement rule is ready, creating a potential compliance nightmare for employers. Read more »

9th Circ. Enjoins Seattle's Uber, Lyft Union Law

Two Ninth Circuit judges Tuesday temporarily granted the U.S. Chamber of Commerce an emergency injunction blocking a Seattle ordinance allowing for-hire drivers at companies such as Uber and Lyft to unionize, as the court considers a motion to stay the case, pending an appeal of a district court order dismissing the suit. Read more »

'Emerging Growth' Cos. Urged To Brace For More Scrutiny

Now that the Jumpstart Our Business Startups Act is more than 5 years old, a financial executives group is urging "emerging growth" companies to prepare for more rigorous scrutiny as certain benefits the law provides to encourage younger issuers to go public begin to expire. Read more »

OMB Pushes Pause On EEOC Pay Data Collection

The Office of Management and Budget on Tuesday paused the U.S. Equal Employment Opportunity Commission's collection of pay data from businesses' employer information reports, calling some aspects of the recently expanded collection "unnecessarily burdensome." Read more »

Biz Group Wants Phone Database To Cut TCPA Suits

The U.S. Chamber of Commerce, Comcast Corp. and others Monday applauded the Federal Communications Commission's efforts to create a database of phone numbers that have been reassigned to new consumers to help businesses avoid ringing people who don't want to be called, but expressed concern

Eversheds Sutherland
Faegre Baker
Fragomen Del Rey
Greenberg Traurig
Harrity & Harrity
Jenner & Block
Jones Day
Kaufman Dolowich
Kellogg Hansen
Lawyers' Committee for Civil Rights

Massey & Gail
Mayer Brown
Mintz Levin
Morgan Lewis
Munger Tolles
Nixon Peabody
O'Melveny & Myers
O'Neill & Borges
Proskauer Rose
Quinn Emanuel
Robinson & Cole
Sanford Heisler
Sedgwick LLP
Seyfarth Shaw
Stoll Glickman
Strasburger & Price
Troutman Sanders
Weil Gotshal
WilmerHale
Winston & Strawn

COMPANIES

American Civil Liberties Union
American Federation of State,
County and Municipal Employees
Apple Inc.
Assured Guaranty Ltd.
CTIA

about the potential for "abusive litigation." = 2
Read more »

ENERGY & ENVIRONMENTAL

III. Nuke Subsidy Plan Flouts Feds, 7th Circ. Told

An Illinois federal judge wrongly backed the state's plan to subsidize struggling nuclear power plants, which clearly usurps federal authority over wholesale electricity markets, a coalition of independent power producers told the Seventh Circuit on Monday. Read more »

TRANSPORTATION & INFRASTRUCTURE

NHTSA Has Hazy Role In Connected-Car Privacy, Report Says

Automakers and regulators have taken steps to address privacy concerns associated with connected vehicles, but the National Highway Traffic Safety Administration must better define its yet-unclear role in protecting the implicated data, according to a U.S. Government Accountability Office report released Monday. Read more »

EMPLOYMENT

III. State Worker Urges Justices To Take Up Union Fees Case

A nonunion Illinois state employee on Tuesday again urged the U.S. Supreme Court to consider the legality of mandatory public sector union fees, arguing his challenge is an apt vehicle for reviewing the 40-year-old precedent that allowed those so-called agency fees. Read more »

III. Staff Firings Not Tied To Harassment Probe, Judge Says

A Cook County judge on Monday ruled in favor of former Illinois Treasurer Dan Rutherford in a case brought by three former employees who alleged they'd been fired in retaliation for

CUNA Mutual Group
Calpine Corporation
Chicago Cubs
Comcast Corporation
Dynegy Inc.
Exelon Corporation
Facebook
Home Depot, Inc.
Huntington Ingalls Industries Inc.
International Brotherhood of Teamsters
Lawyers' Committee for Civil Rights Under Law
Lyft Inc.
NFL Enterprises LLC
NRG Energy Inc.
National Immigration Law Center
National Rifle Association of America
National Right to Work Legal Defense Foundation
National Rural Electric Cooperative Association
PJM Interconnection LLC
Snap Inc.
Talen Energy Corp.
Twitter Inc.
U.S. Chamber of Commerce
Uber Technologies Inc.
United States Telecom Association
United Steelworkers

GOVERNMENT AGENCIES

Bureau of Citizenship and Immigration Services
Centers for Medicare & Medicaid Services
Department of Commerce
Equal Employment Opportunity Commission

cooperating in an investigation of the politician's alleged sexual harassment of another staffer. [Read more »](#)

Beryllium Rule Commenters Blast DOL's Proposed Rollback

The U.S. Department of Labor received 70 comments on its proposal to pull back certain provisions of its beryllium exposure rule ahead of a Monday deadline, with most of the comments publicly available Tuesday criticizing the proposed change. [Read more »](#)

PRIVACY & CYBERSECURITY

EU Data Protection Law Not Revolutionary, UK Regulator Says

The highly anticipated general data protection regulation set to take effect in the European Union next year will almost certainly require companies to step up their privacy game, but it won't crush them, according to the U.K.'s data protection regulator, which called the new regime a logical "evolution in data protection, not a revolution." [Read more »](#)

Ballot Selfies Could Lead To Voter Pressure, Expert Says

Allowing voters to take selfies with their marked ballots could allow groups to put pressure on members to reveal their votes, a political science professor testified Tuesday in the New York federal bench trial of a suit by voters who claim the selfie ban violates their First Amendment rights. [Read more »](#)

CONSUMER PROTECTION

Home Depot To Pay \$5.7M For Selling Recalled Products

The U.S. Consumer Product Safety Commission announced Tuesday that it would likely accept a \$5.7 million deal with Home Depot USA Inc., settling charges the hardware

European Union
Executive Office of the President
Federal Communications Commission
Federal Energy Regulatory Commission
Federal Trade Commission
Food and Drug Administration
Government Accountability Office
National Highway Traffic Safety Administration
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
National Security Council
New York Attorney General's Office
New York State Board of Elections
New York State Department of Financial Services
Occupational Safety and Health Administration
Securities and Exchange Commission
U.S. Consumer Product Safety Commission
U.S. Customs and Border Protection
U.S. Department of Defense
U.S. Department of Health and Human Services
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of Transportation
U.S. Department of Veterans Affairs
U.S. House of Representatives
U.S. Immigration and Customs Enforcement
U.S. Patent and Trademark Office
U.S. Senate

store knowingly sold recalled consumer products. [Read more »](#)

AEROSPACE & DEFENSE

DOD Says Discharge Reviews Can Consider More Conditions

The U.S. Department of Defense released guidance Monday intended to clarify that sexual assault, sexual harassment and mental conditions other than post-traumatic stress disorder can be considered when it reviews discharges and military records to see if they should be upgraded. [Read more »](#)

State Dept. Board To Review Afghan Truck Bombing Deaths

Secretary of State Rex Tillerson has convened an accountability review board to investigate the May deaths of 10 local guard contractors in Afghanistan in a truck bombing, the State Department has announced. [Read more »](#)

INTERNATIONAL TRADE

DC Court Rejects Challenge To Seafood Origin Rule

A D.C. federal judge has upheld a regulation requiring importers to trace the origin of seafood brought into the United States, granting a quick win to the federal government on Monday against seafood companies and trade groups who had argued that regulators failed to follow proper procedure in issuing the rule. [Read more »](#)

CBP Needs Better Data On Foreign Trade Zones, GAO Says

The U.S. Customs and Border Protection must do more to quantify the downstream economic impact of duty-free foreign trade zones, according to a U.S. Government Accountability Office report circulated Monday that found a substantial lack of information about the program's ripple effects. [Read more »](#)

U.S. Supreme Court
Vermont Department of Financial
Regulation

BANKRUPTCY

Puerto Rico Board Says Fiscal Plan Gripes Aren't Actionable

The oversight board tasked with steering Puerto Rico through its bankruptcy-like process hit back on Monday against two bond insurers seeking to overturn the island's proposed fiscal plan, telling the federal court overseeing the restructuring that the insurers have no standing and their suit must be dismissed. [Read more »](#)

IMMIGRATION

Trump Admin., Rights Groups Settle NY Travel Ban Suit

President Donald Trump's administration and advocates for a proposed class of travelers from seven majority-Muslim countries suing over an executive order barring them from entering the U.S. have agreed to settle the case. [Read more »](#)

USCIS To Interview More Green Card Seekers

U.S. Citizenship and Immigration Services will soon begin conducting in-person interviews with certain immigrants in the U.S. seeking permanent residency, as part of the Trump administration's "comprehensive strategy" to strengthen the immigration system and prevent fraud, an agency statement said Monday. [Read more »](#)

Bipartisan Mayor Group Asks Trump To Keep DACA Program

A bipartisan coalition of mayors from cities across the country joined forces Tuesday to voice their opposition against a possible repeal of the Deferred Action for Childhood Arrivals immigration program by President Donald Trump, which could come as soon as this week according to the city officials. [Read more »](#)

TELECOMMUNICATIONS

Users Say Internet Is An Information Service: NCTA Survey

USTelecom and NCTA-The Internet and Cable Television Association shared a survey with the Federal Communications Commission on Monday claiming to demonstrate that users view broadband internet access services as a form of information service, meaning that it should be classified as such. [Read more »](#)

EXPERT ANALYSIS

An Emerging Patchwork Of Cybersecurity Rules

With the recent adoption of cybersecurity regulations governing broker-dealers and investment advisers registered in Colorado and Vermont, the landscape of cybersecurity regulation continues to evolve. For businesses not yet covered by cyber regulations, these latest moves indicate that the day of reckoning may be coming, say attorneys with Eversheds Sutherland. [Read more »](#)

Telehealth: A Priority For Advancing Quality Health Care

Following its August recess, Congress will have less than four weeks to work through must-pass legislation that would fund the Children's Health Insurance Program. Amid this hard-stop deadline for program funding, there is a possibility that this legislation could lend itself as a vehicle to attach other party priorities, such as expansion of telehealth services for Medicaid beneficiaries, say attorneys with Faegre Baker Daniels. [Read more »](#)

LEGAL INDUSTRY

Sedgwick Loses 12 More Attys, This Time To Robinson & Cole

Twelve more attorneys have left Sedgwick LLP for the New York and Miami offices of

Robinson & Cole LLP, marking the latest in a string of departures from Sedgwick, which has lost at least 33 partners since the start of the year. [Read more »](#)

3 Law Firms With Their Own Riff On The Mansfield Rule

Nearly 50 law firms have adopted the Mansfield Rule in an effort to improve diversity, but a few firms have decided to go rogue and implement their own versions of the rule. Here are three alternative riffs on the diversity initiative, and how they're playing out. [Read more »](#)

Quinn Emanuel Adds Bonus Plan To Retain Associates

Quinn Emanuel Urquhart & Sullivan LLP announced a plan Monday to award additional bonuses to associates who stay with the firm for at least three years in an effort to recruit and retain young legal talent. [Read more »](#)

Proskauer Says Female Atty In \$50M Bias Row Isn't Employee

Proskauer Rose LLP tore into a female partner and practice group head's \$50 million gender bias suit against the firm in Washington, D.C., federal court Monday, arguing she can't sue the firm under laws that protect employees and not equity-holding members of a partnership. [Read more 1/2 B](#)

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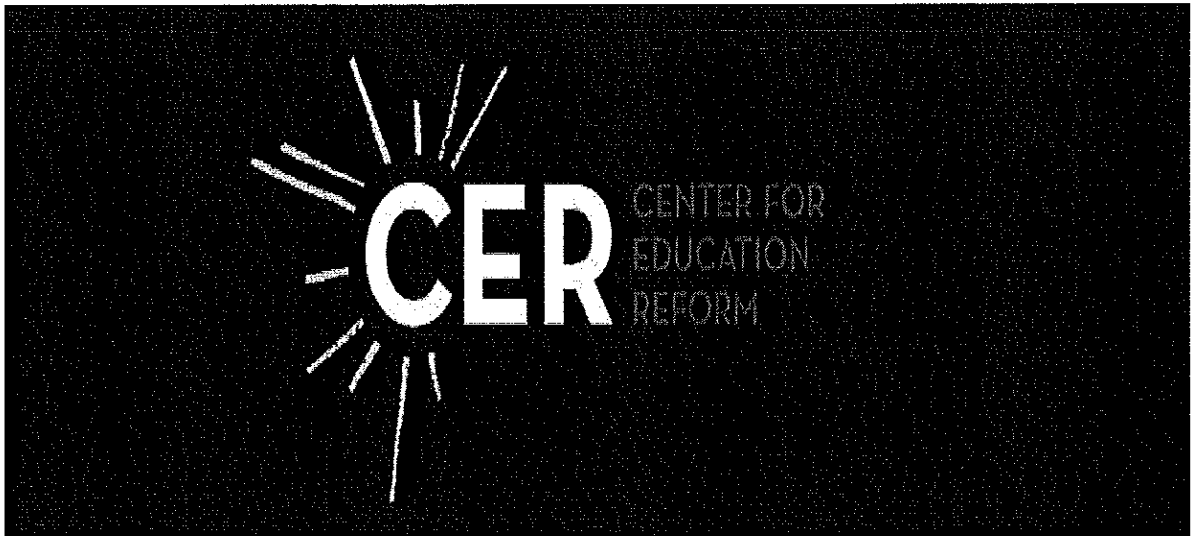
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October 4, 2017

Memo to Reporters

From: Jeanne Allen, founder & CEO, the Center for Education Reform

Re: U.S. Supreme Court case holds promise for teacher freedoms

Leaders of organizations and schools across the education reform arena are enthusiastic that on Thursday, September 28, the Supreme Court of the United States (SCOTUS) agreed to hear arguments in *Janus v. AFSCME*. The case was brought forth by Mark Janus, an Illinois Department of Healthcare and Family Services public employee who believes that forced unionism and the mandatory paying of fees violates his First Amendment rights. A favorable outcome in *Janus* could pave the way for a loosening on the stranglehold of other public sector employees compelled to pay mandatory union fees. Public school teachers, in particular, stand to benefit from the freedom that would allow them to make their own decisions as to whether or not they pay union dues and fees.

TOP 5 TAKEAWAYS IF SCOTUS RULES IN FAVOR OF *JANUS*:

- Free millions of workers – public school teachers included ? 3 from compelled association—a clear violation of the First Amendment
- Millions of workers will no longer be compelled to pay union fees when opting out of union representation
- In addition to more take-home pay, teachers will have more freedom to innovate when opting out of mandated association with teachers' unions
- A pro-Janus ruling will have no impact on the ability for unions to organize and function
- The union-employee relationship should improve as unions will demonstrate their value to existing and future members

The case has been winding its way through Federal courts since early 2015 and was stayed pending an outcome in *Friedrichs v. California Teachers Association*, a case that was deadlocked 4-4 after the tragic passing of Justice Antonin Scalia. While the *Janus* case was initially dismissed by U.S. District Court after that *Friedrichs* ruling, the employees, backed by the National Right to Work Foundation, appealed to the 7th U.S. Circuit Court of Appeals in October 2016 which, as expected, upheld the lower court's decision – paving the way for an appeal to the U.S. Supreme Court. On June 6, 2017, a petition for Writ of Certiorari was filed and later accepted by SCOTUS. Now the 40-year old ruling in *Abood v. Detroit Board of Education* which created the current system allowing mandatory fees paid to public unions could very well be overturned.

It's important to note that the case started with an executive order issued by Illinois Governor Bruce Rauner, who sought to abolish mandatory collective bargaining pending review of its constitutionality. Since 2012, six states have passed laws strengthening workers' rights and freedom from having to pay

mandatory union fees. What is most notable is at least three of these states are “blue-to-purple” states with historic ties to organized labor, including Michigan, Wisconsin and West Virginia. Following these laws, teachers’ union membership dropped 20% in Michigan and 58% in Wisconsin. More state policymakers throughout the country are focused on the upcoming *Janus* case review. With teachers’ union-driven pension rules and union-backed laws that protect uniform pay scales, eschew performance pay and mandate teacher tenure, the elimination of mandatory fees could impact the unions’ ability to wage political battles to defend their turf and oppose proposals that put student achievement and parental choice at the center of every education improvement effort.

CER believes that the *Janus* case holds great potential for employees and could dramatically improve union-employee relationships. Overturning *Abood* will allow for teachers to associate as they see fit, providing teachers more freedom and independence to better serve their students. This will not bar union organizing but ensure unions prove their value to each member. Unions should celebrate the opportunity to prove their value to employees rather than relying on mandatory fees.

Instead, it is evident by the recent teachers’ union attacks on education reform that the unions fear the freedom *Janus* may bring to teachers, particularly as their funds are declining. Randi Weingarten, president of the American Federation of Teachers, the nation’s second-largest teachers’ union, has also scoffed at the idea that teachers are entitled to the same First Amendment rights as other employees.

Historically, public support for mandatory agency fees is low, and most Americans are unaware that teachers are pressured to join unions and forced to pay union fees even when they decline to join. A June 2017 survey by Education Next found that teachers oppose mandatory fees 47% to 44%, while the general public is 44% to 37% opposed.

As the public’s attention turns to *Janus v. AFSCME*, it is important to note that this case is bigger than one public employee or one union – this case could improve

the learning experience for students by dramatically empowering teachers nationwide, and change the course of American education.

Members of the media interested in writing about this in any aspect, CER's team can provide insights and commentary, and connect reporters with parents, teachers and those on the ground who will be most affected by the outcome of the case.

MEDIA CONTACT: Tim Sullivan, *Chief Communications Officer*
tim@edreform.com | (443) 532-2445

Founded in 1993, the Center for Education Reform aims to expand educational opportunities that lead to improved economic outcomes for all Americans — particularly our youth — ensuring that conditions are ripe for innovation, freedom and flexibility throughout U.S. education.

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The Center for Education Reform
1901 L Street, NW, Suite 705
Washington, DC 20036

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From: Public Policy Law360
Sent: Tuesday, January 16, 2018 5:29 AM
To: Rep48
Subject: Law360 Names Practice Groups Of The Year



Tuesday, January 16, 2018



TOP NEWS

Law360 Names Practice Groups Of The Year

Law360 congratulates the winners of its 2017 Practice Group of the Year awards, which honor the law firms behind the litigation wins and major deals that resonated throughout the legal industry in the past year. [Read more »](#)

The Firms That Dominated In 2017

Law360's Firms of the Year rose above the competition with a combined 24 Practice Group of the Year awards after helping their clients win game-changing judgments and close record-breaking deals in 2017. Here's a closer look at how they landed at the top. [Read more »](#)

Analysis

Ex-US Attys Say Justice Best Served By Diverse Group

Former U.S. attorneys interviewed by Law360 said that having a diverse group of people in the job does more than contribute to positive perceptions of the Department of Justice: it can build bridges, prevent abuse and help DOJ leadership make better decisions. [Read more »](#)



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LAW FIRMS

Akerman
Akin Gump
Alston & Bird
Anderson & Kreiger
Archer & Greiner
Arnold & Porter Kaye Scholer
Ausley & McMullen
Baker McKenzie

Gov't Must Pay Halted ACA Funds, Insurer Says

The Trump administration indisputably flouted the Affordable Care Act by cutting off millions of dollars in reimbursement for reduced copays and deductibles, a nonprofit health insurer told the U.S. Court of Federal Claims on Friday. [Read more »](#)

No Major Changes Needed For Tax Bill, Speaker Ryan Says

House Speaker Paul Ryan, R-Wis., acknowledged in an interview that aired Friday that Congress likely will need to make technical corrections to the \$1.5 trillion tax bill passed by Congress at the end of last year but added that any changes made likely would be small. [Read more »](#)

Trump Extends Iran Sanctions Waiver But Wants Deal Remade

President Donald Trump has again extended a sanctions waiver granted to Iran under the 2015 nuclear deal, saying Friday it's the final time he will do so unless the deal is significantly overhauled, as his administration announced additional sanctions against certain Iranian and related entities. [Read more »](#)

Drug, Device Makers Cheer As FDA Punts Off-Label Policy

The U.S. Food and Drug Administration on Friday once again delayed a controversial new policy related to off-label promotion, drawing cheers from drug and device makers that have decried the agency's approach. [Read more »](#)

BANKING & SECURITIES

Supreme Court Agrees To Review SEC's In-House Judges

The U.S. Supreme Court agreed Friday to consider whether the hiring of U.S. Securities and Exchange Commission administrative law

BakerHostetler
Ballard Spahr
Bancroft PLLC
Bangs McCullen
Barnes & Thornburg
Beasley Allen
Beveridge & Diamond
Bowman and Brooke
Bracewell
Brach Eichler
Brann & Isaacson
Bredhoff & Kaiser
Caplin & Drysdale
Cleary Gottlieb
Cohen Milstein
Covington & Burling
Crowell & Moring
Cullen Law Firm
Davis Polk
Davis Wright Tremaine
Debevoise & Plimpton
Dentons
Dewey & LeBoeuf
Doar Rieck
Downs Rachlin
Duane Morris
Earthjustice
Emery Celli
Epstein Becker Green
Faegre Baker
Fenwick & West
Fish & Richardson
Fredericks Peebles
Freshfields
Fried Frank
Gibson Dunn
Goldstein & Russell
Goodwin

judges violates the appointments clause of the Constitution, a case that could call into question the legitimacy of past rulings by the administrative judges. [Read more »](#)

Credit Union Argues It Has Power To Challenge CFPB Role

A New York credit union on Friday attempted to convince a federal judge that it has the power to bring a lawsuit seeking to challenge President Donald Trump's appointment of a White House official to lead the Consumer Financial Protection Bureau on an acting basis. [Read more »](#)

ENERGY & ENVIRONMENTAL

Researcher Sues EPA For Access To Officials' Emails

An environmental researcher and Harvard University librarian on Friday sued the U.S. Environmental Protection Agency, alleging it has improperly withheld emails he requested between Administrator Scott Pruitt and his chief of staff, as well as other employees. [Read more »](#)

Coastal Senators Seek Ban On Drilling In Northeastern US

A bipartisan congressional delegation representing the northeastern U.S. this week mounted legislative action aiming to shield the nation's pre-eminent fishing region from a White House plan that would open nearly all American waters to oil and gas drilling next year. [Read more »](#)

Fracking Case Now Moot, Ute Indian Tribe Tells 10th Circ.

The Ute Indian Tribe on Thursday told the Tenth Circuit that an appeal of a lower court order striking down the U.S. Bureau of Land Management's strengthening of regulations for fracking on federal and Native American lands should be tossed, saying the case is moot

Greenberg Traurig
Gupta Wessler
Hogan Lovells
Holland & Knight
Horwood Marcus
Hughes Hubbard
Hunton & Williams
Jenner & Block
Jones Day
Kelley Drye
Kellogg Hansen
King & Spalding
Kirkland & Ellis
Labaton Sucharow
Latham & Watkins
Littler Mendelson
Mayer Brown
McDermott Will
McKool Smith
Morgan Lewis
Morrison & Foerster
Munger Tolles
Norton Rose Fulbright
O'Melveny & Myers
Ogletree Deakins
Oles Morrison
Outten & Golden
Park Jensen Bennett
Paul Hastings
Paul Weiss
Perkins Coie
Pillsbury Winthrop
Proskauer Rose
Quinn Emanuel
Reed Smith
Robbins Geller
Ropes & Gray
Seeger Weiss

because the rule at issue has been axed. Read more »

GOP Enviro Leaders Support Clean Power Plan Rollback

A group of Senate Republicans told the U.S. Environmental Protection Agency in a letter on Friday that they were on board with the agency's proposal to repeal the Obama-era Clean Power Plan, saying the plan would be disastrous for American communities and jobs. Read more »

Pa. Court Limits Review Over State's Use Of Gas Lease Funds

Following a landmark Pennsylvania Supreme Court ruling last year limiting the state's use of payments from gas leases on public lands, a panel of judges has said that further review in the dispute will not include whether the funds can be put toward a conservation agency's operating costs. Read more »

TRANSPORTATION & INFRASTRUCTURE

DC Circ. Partly Revives Truckers' DOT Safety Records Suit

The D.C. Circuit on Friday rejected most of a suit from independent commercial truck drivers alleging the U.S. Department of Transportation mishandled safety citation records that can hurt truckers' job prospects and business reputations, saying there wasn't enough proof of actual harm, but revived two drivers' claims. Read more »

INSURANCE

Fla. House Passes Bill Aimed At 3rd-Party Insurance Payouts

The Florida House of Representatives on Friday passed a bill designed to curtail perceived abuses of a system that allows repair contractors to pursue payment directly from property owners' insurance carriers,

Seyfarth Shaw
Sidley Austin
Simpson Thacher
Skadden
Steptoe & Johnson LLP
Stradley Ronon
Sullivan & Cromwell
Susman Godfrey
Venable LLP
Vinson & Elkins
Weil Gotshal
White & Case
Wiley Rein
Williams & Connolly
Willkie Farr
WilmerHale
Wilson Sonsini
Winston & Strawn
Zuckerman Spaeder
ZwillGen PLLC

COMPANIES

7-Eleven Inc.
AIXTRON SE
AT&T Inc.
AdvaMed
Aetna Inc.
Aleris Corp.
Allstate Corporation
American Bar Association
American Federation of State,
County and Municipal Employees
Apple Inc.
Associated Press
Association of Corporate Counsel
Avalara Inc.
Avvo Inc.
BNSF Railway
Bank of America Corporation

which the insurance industry has blamed for increases in premiums. [Read more »](#)

EMPLOYMENT

Trump Taps Morgan Lewis Vet To Round Out NLRB

President Donald Trump on Friday selected Morgan Lewis & Bockius LLP partner John Ring to fill the lone vacancy on the five-member National Labor Relations Board, moving to restore a Republican majority that was lost following the departure of board chair Phil Miscimarra in December. [Read more »](#)

Public Workers, Ill. AG Back Union Fees At High Court

The American Federation of State, County and Municipal Employees and Illinois Attorney General Lisa Madigan urged the U.S. Supreme Court not to block state unions from making workers cover bargaining costs, arguing in briefs filed Friday in a pivotal case for public sector labor that so-called agency fees are constitutional. [Read more »](#)

COMPETITION

ABA Sections Warn Of Risks In Regulating Online Platforms

The antitrust and international law sections at the American Bar Association on Wednesday shared their concerns about the potential chilling effects of additional regulations for online platforms like e-commerce operations and search engines recently floated by the European Commission. [Read more »](#)

CONSUMER PROTECTION

CFPB Leadership Battle Heads To DC Circ.

Consumer Financial Protection Bureau Deputy Director Leandra English on Friday continued her fight to lead the powerful financial regulator by asking a federal appeals court to remove

Bayer AG
Blue Apron Inc.
CVS Caremark Corporation
Cable-Satellite Public Affairs Network
CenturyLink Inc.
Comcast Corporation
DXC Technology Co.
Duke Energy Corporation
Dunkin' Brands Group Inc.
Econ One Research Inc.
Ernst & Young
Exxon Mobil Corporation
Facebook
Florida Justice Association
Global Eagle Entertainment Inc.
Google Inc.
Hearst Corp.
Hubbell Inc.
Hulu LLC
Instagram Inc.
International Brotherhood of Teamsters
Internet Brands, Inc.
JLL Partners
Johnson & Johnson
Jones Lang LaSalle Inc.
Kirkland's, Inc.
Lattice Semiconductor Corporation
Lexmark International, Inc.
LifeLock Inc.
LinkedIn Corp.
Los Angeles Times
McDonald's Corporation
Memorial Sloan Kettering Cancer Center
Mercedes-Benz
National Collegiate Athletic Association

President Donald Trump's choice to serve as the bureau's acting director. [Read more »](#)

INTERNATIONAL TRADE

Analysis

What You Need To Know About The Latest Steel Trade Fight

President Donald Trump may be poised to impose sweeping restrictions on steel imports that would bring an end to a nearly yearlong saga examining the intersection of trade policy and U.S. national security interests. As the president mulls his next move, here's everything you need to know about one of the year's most intriguing trade battles. [Read more »](#)

TAX

High Court To Consider Internet Retail Taxes' Reach

The U.S. Supreme Court on Friday agreed to hear South Dakota's challenge to *Quill v. North Dakota*, setting the stage for the high court to decide whether states may compel retailers that do not have a physical presence within their borders to collect and remit use tax. [Read more »](#)

Mnuchin Calls Attempts To Skirt SALT Cap 'Ridiculous' 🇺🇸

U.S. Department of Treasury Secretary Steven Mnuchin on Thursday called efforts by states such as California, New York and New Jersey to limit the scaling back of state and local tax deductions "ridiculous." [Read more »](#)

First Parts Of 'Urgent' Swiss Tax Plan Slotted For 2019

The Swiss government has announced that the first measures of its tax reform plan could roll out by the start of 2019, citing the "urgent" need to keep Switzerland competitive in the

National Conference of State Legislatures

National Right to Work Legal Defense Foundation

Netflix Inc.

New York Times Co.

New York University

Newegg Inc.

Oculus VR LLC

Overstock.com Inc.

Owner-Operator Independent Drivers Association Inc.

PhRMA

Retail Litigation Center Inc.

Sierra Club

Skype Technologies SA

Snap Inc.

SoftBank Group Corp.

Spokeo Inc.

Spotify Technology SA

TAM SA

Tax Foundation

TelexFree LLC

The Renco Group

Twitter Inc.

U.S. Chamber of Commerce

United Steelworkers

UnitedLex Corp.

Washington Post Co.

Wayfair LLC

YouTube Inc.

GOVERNMENT AGENCIES

Bureau of Land Management

Committee on Foreign Investment in the United States

Consumer Financial Protection Bureau

Council on Environmental Quality

Department of Commerce

wake of a global trend to lower corporate rates.
[Read more »](#)

IMMIGRATION

DACA Deal Uncertain After Trump's Derogatory Comments

President Donald Trump's inflammatory comments about migration from what he described as "shithole" countries drew widespread condemnation Friday while an underlying bipartisan legislative replacement for the Deferred Action for Childhood Arrivals program hangs in doubt. [Read more »](#)

Fla. House Passes Ban On Sanctuary Cities

The Florida House of Representatives on Friday passed a controversial measure that would ban so-called sanctuary cities in the state, but the bill faces steep odds in the Senate. [Read more »](#)

Gov't Denied Quick Win In Soldiers' Citizenship Suit

A D.C. district judge on Thursday rejected the federal government's bid for a quick win in a class action in which soldiers allege the military improperly changed the requirements for expedited naturalization applications. [Read more »](#)

NATIVE AMERICAN

Senate Sends Bill To Recognize Va. Tribes To Trump's Desk

A half dozen Native American tribes in Virginia could soon be recognized by the federal government after the U.S. Senate on Thursday approved a measure to have the United States formally acknowledge them, sending the bill to President Donald Trump's desk. [Read more »](#)

TELECOMMUNICATIONS

European Commission
European Union
Executive Office of the President
Federal Bureau of Investigation
Federal Communications Commission
Federal Judicial Center
Federal Motor Carrier Safety Administration
Federal Trade Commission
Florida House of Representatives
Florida Office of Insurance Regulation
Florida State Senate
Food and Drug Administration
Internal Revenue Service
National Labor Relations Board
National Security Agency
Occupational Safety and Health Review Commission
Office of Foreign Assets Control
Office of the U.S. Trade Representative
Pennsylvania Supreme Court
Securities and Exchange Commission
Smithsonian Institution
South Dakota Department of Revenue
U.S. Army
U.S. Attorney's Office
U.S. Department of Defense
U.S. Department of Health and Human Services
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Transportation
U.S. Department of the Interior
U.S. Department of the Treasury

Municipal ISPs Offer Better Value, Harvard Study Suggests

Municipal broadband networks offer consumers better value than commercial internet service providers in most cases, a Harvard study recently found, although a lack of data on broadband service dynamics obfuscates the picture. [Read more »](#)

WHITE COLLAR

Mueller's Team Seeks May Trial Date For Manafort, Gates

Paul Manafort, the indicted former campaign manager to President Donald Trump, may face trial as soon as May, according to a filing Friday by the special counsel spearheading an investigation into the Trump campaign that also outlined plans for future evidence exchange. [Read more »](#)

Analysis

Justices Likely To Set New Tax Standard For Remote Vendors

The U.S. Supreme Court shocked the tax bar Friday by accepting South Dakota's direct challenge to the court's 1992 ruling that retailers must have a physical presence within a state to be liable for collection and remittance of use taxes, signaling the court's willingness to rethink that precedent in the age of internet sales. [Read more »](#)

EXPERT ANALYSIS

The Public Finance Industry Dodged A Tax Reform Bullet

The passage of the tax bill brought an end to a nearly two-month rollercoaster ride that had the public finance industry white-knuckled and a little green in the face. The final bill belied initial assurances that tax reform "won't touch tax-exempt bonds," but the end result could have been a lot worse, say Victoria Ozimek

U.S. Environmental Protection Agency
U.S. House of Representatives
U.S. Immigration and Customs Enforcement
U.S. Office of Personnel Management
U.S. Postal Service
U.S. Senate
U.S. Supreme Court
Ute Indian Tribe
World Trade Organization

and Brian Teaff of Bracewell LLP. [Read more »](#)

A Momentous Year For CFIUS: Part 1

The Committee on Foreign Investment in the United States was the subject of more focus, change and consequence in 2017 than it had been in at least a decade. It appears that the significant CFIUS developments last year soon may be followed by formal legal changes, say attorneys with Wilson Sonsini Goodrich & Rosati PC. [Read more »](#)

NJ's Evolving Health Care Arena: Trends To Watch In 2018

New Jersey is one of the most competitive and heavily regulated states in terms of health care, making it a good barometer for how the industry is evolving nationally. As physicians and medical groups deal with issues like flat reimbursement from insurance providers and the rapidly rising costs of operating a medical practice, the ways in which doctors deliver health care will continue to change in 2018, says John Fanburg of Brach Eichler LLC. [Read more »](#)

Balancing Vertical Integration In Calif.'s Cannabis Industry

Given the incentives to organize vertically, California cannabis regulators will need to identify and challenge harmful vertical integration, but allow efficiency-improving integration in cannabis markets and revise regulations to reduce inefficiencies, says Georgina Moreno of Econ One Research Inc. [Read more »](#)

How Tax Reform Will Change FCA Settlements

Little attention has been paid to a provision of the new tax law that requires federal agencies to specify, at the time of settlement of government claims, the portion of the settlement that may be deductible as a business expense. This is sure to impact False Claims Act and other settlements involving the

government going forward, say attorneys with Fried Frank Harris Shriver & Jacobson LLP. [Read more »](#)

5 Advertising Law Trends To Watch In 2018

Legal and technological disruptions in the advertising space last year outpaced the development of prior years. Although many topics contributed to this industry upheaval, there are five trends that shaped 2017 and will continue to develop in the coming years, say Jason Gordon and Andrew Levad of Reed Smith LLP. [Read more »](#)

LEGAL INDUSTRY

New Group To Probe Workplace Harassment In Federal Courts

The Administrative Office of the U.S. Courts has launched a working group to examine the policies in place to protect employees of the federal judiciary from workplace harassment, the office announced on Friday. [Read more »](#)

High Court Vet Joins Quinn Emanuel From Kirkland

U.S. Supreme Court heavy hitter Chris Landau is moving to Quinn Emanuel Urquhart & Sullivan LLP after 25 years at Kirkland & Ellis LLP, joining a growing appellate group formed by his former Harvard law professor Kathleen Sullivan. [Read more »](#)

Final Dewey Cooperator Gets No Jail Time

The final cooperator in the Manhattan district attorney's criminal case against former executives at the once prominent law firm of Dewey & LeBoeuf LLP was sentenced to unconditional release on Friday, presumably ending the saga that absorbed the legal industry. [Read more »](#)

Up Next At High Court: Betraying A Client, Appellate Rules

A lawyer's courtroom betrayal of his client in a Louisiana murder trial is likely the juiciest item on the Supreme Court's oral argument calendar this week, but other cases involving the right of appeal in consolidated cases and a controversial question under the Fair Labor Standards Act could have major implications for the appellate and employment bars. Here's what to expect. [Read more »](#)

Legal Tech Download: Acquisition Fever

The world of legal technology is quickly evolving, with new products coming to market in rapid succession. Here, Law360 takes a look at seven major recent developments. [Read more »](#)

GC Cheat Sheet: The Hottest Corporate News Of The Week

The head of a conservative think tank slammed attacks against the Federal Communications Commission's Republican chairman over the agency's vote to repeal net neutrality, federal immigration officials inspected almost 100 7-Eleven stores across the country, and lawmakers in various states proposed legislation to quell workplace sexual harassment. These are some of the stories in corporate legal news you may have missed in the past week. [Read more »](#)

Podcast

Law360's Pro Say: When To Walk Away From A Dangerous Client

On the latest episode of Law360's Pro Say podcast, the team discusses how to know when it is time to ditch a dangerous client like Martin Shkreli, the latest developments over the Deferred Action for Childhood Arrivals immigration program, a case striking down partisan gerrymandering, and a bizarre 5-bite diet. [Read more »](#)

In Case You Missed It: Hottest Firms And Stories On Law360

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week. [Read more »](#)

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From: Erik Hingst

Sent: Wednesday, January 24, 2018 2:59 PM

To: Rep48

Subject: Walmart Paid Leave & Wage Announcement - Ohio

Attachments: Ohio - Walmart Raises Wages Gives Bonuses Expands Benefits.pdf

Dear Representative Schuring,

Walmart has announced that it is significantly expanding maternity and parental leave benefits for its Walmart and Sam's Club associates statewide, providing full-time hourly associates in the U.S. with 10 weeks of paid maternity leave and six weeks of paid parental leave, both at 100 percent of their average weekly wage. Walmart also introduced a new adoption benefit, available to all full-time associates, totaling \$5,000 per child for expenses such as adoption agency fees, translation fees and legal or court costs. The changes place Walmart as one of the leading companies in America when it comes to parental leave.

Additionally, associates in Ohio will soon receive pay increases and bonuses totaling \$12.7M. The increased wages and benefits in Ohio are part of Walmart's Jan. 11 announcement that it is raising the starting wage rate for hourly associates across the country to \$11. Walmart also announced it will provide a one-time cash bonus of up to \$1,000 to eligible associates. The combined wage and benefit changes will benefit the company's more than one million U.S. hourly associates.

Attached is a full copy of the press release, detailing the expanded maternity and parental leave benefits as well as pay increases.

Respectfully,

Erik Hingst

Director

Walmart Public Affairs & Government Relations – Michigan, Ohio & West Virginia



Contact:
Mark Rickel
mricket@lesiccamper.com
614-232-8309

Walmart to Raise Wages, Provide One-Time Bonus and Expand Hourly Maternity and Parental Leave for Associates in Ohio

More than 1 million associates benefit from combined wage and benefit changes, including more than 30,000 Walmart associates in Ohio

COLUMBUS, Ohio – Jan. 22, 2018 – Recently, Walmart announced plans to increase the starting wage rate for all hourly associates in the U.S. to \$11, expand maternity and parental leave benefits and provide a one-time cash bonus for eligible associates of up to \$1,000. The company is also creating a new benefit to assist associates with adoption expenses. The combined wage and benefit changes will benefit the company's more than one million U.S. hourly associates, **including approximately 30,687 Walmart associates in Ohio.**

"We are building on investments we've been making in associates, in their wages and skills development," said Doug McMillon, Walmart president and CEO. "It's our people who make the difference and we appreciate how they work hard to make every day easier for busy families."

Associates will continue to hear more from their managers in the coming days about details. But, broadly, associates in Ohio are receiving the following benefits:

- A one-time bonus benefiting all eligible full and part-time hourly associates in the U.S. The amount of the bonus will be based on length of service, with associates with at least 20 years qualifying for \$1,000. **In Ohio, approximately 30,687 Walmart and Sam's Club associates are expected to be eligible for the one-time cash bonus, which is estimated to total \$12,729,150.**
- An increase in Walmart's starting wage rate to \$11 an hour, effective in the Feb. 17, 2018, pay cycle. The change is in addition to wage increases already planned for many U.S. markets in the coming fiscal year. The increase applies to all hourly associates in the U.S., including stores, Sam's Clubs, eCommerce, logistics and Home Office. Approximately 22,159 Walmart and Sam's Club associates in Ohio are expected to receive a wage increase, which is estimated to total more than \$36.9 million. **Walmart's new average hourly wage for full-time associates in Ohio will be \$13.93.**
- An expanded parental and maternity leave policy, providing full-time hourly associates in the U.S. with **10 weeks of paid maternity leave and six weeks of paid parental leave.** Salaried associates will also receive six weeks of paid parental leave.
- Walmart will provide financial assistance to associates adopting a child. The adoption benefit, available to both full-time hourly and salaried associates, will total \$5,000 per child and may be used for expenses such as adoption agency fees, translation fees and legal or court costs.

"The Ohio Council of Retail Merchants is pleased to see Ohio's largest private job provider reinvesting in our retail workforce," said President and CEO Gordon Gough. "It's proof that good public policy and meaningful tax reform can make a difference in the lives of all Ohioans."

About Walmart

Wal-Mart Stores, Inc. (NYSE: WMT) helps people around the world save money and live better - anytime and anywhere - in retail stores, online, and through their mobile devices. The company's legal name will become Walmart Inc., effective on Feb. 1, 2018, to reflect its growing status as an omni-channel retailer. Each week, over 260 million customers and members visit our more than 11,600 stores under nearly 60 banners in 28 countries and eCommerce websites. With fiscal year 2017 revenue of \$485.9 billion, Walmart employs approximately 2.3 million associates worldwide. Walmart continues to be a leader in sustainability, corporate philanthropy and employment opportunity. Additional information about Walmart can be found by visiting <http://corporate.walmart.com>, on Facebook at <http://facebook.com/walmart> and on Twitter at <http://twitter.com/walmart>.

###

From: The Buckeye Institute

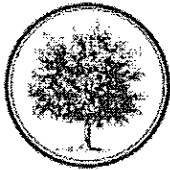
Sent: Friday, February 23, 2018 3:39 PM

To: Rep48

Subject: ICYMI: Buckeye's Robert Alt Sat Down with IdeaStream's Ashton Marra to Discuss Janus v. AFSCME

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THE BUCKEYE INSTITUTE

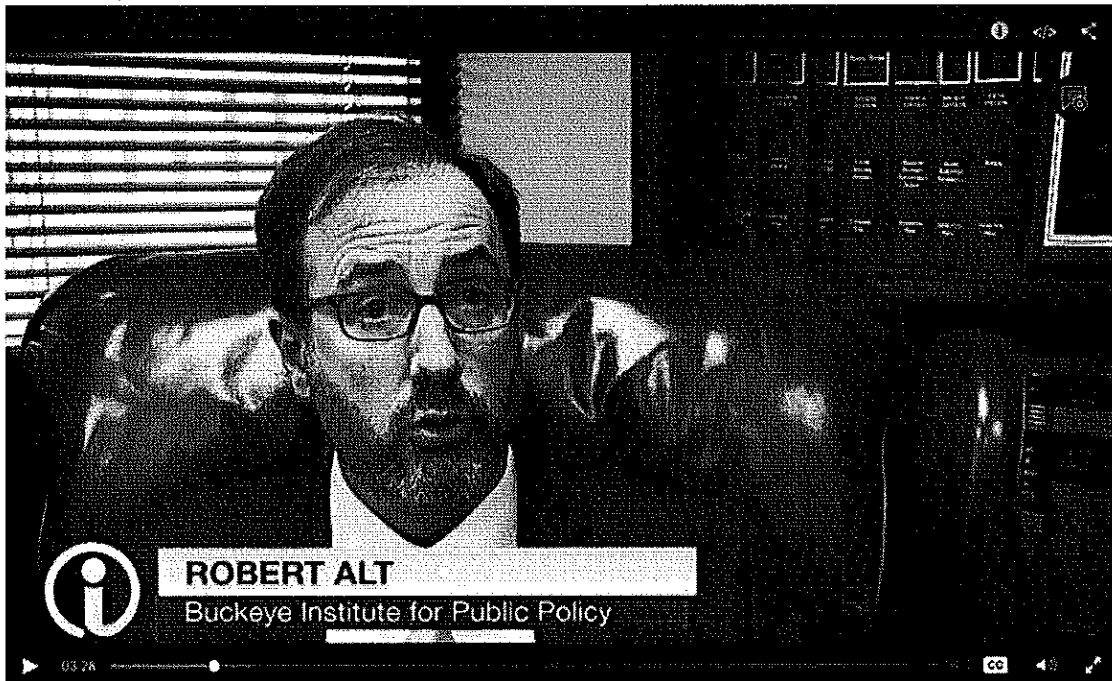
Buckeye's Robert Alt Sat Down with IdeaStream's Ashton Marra to Discuss Janus v. AFSCME

The Buckeye Institute's president and CEO Robert Alt, talked to IdeaStream's Ashton Marra about *Janus v. AFSCME* and the impact it could have on protecting the First Amendment rights of Ohio's public employees.

In the interview, Alt said in regards to public employees being forced to pay agency fees, "You don't have a choice then on how it is that the unions use that money in terms of speech, what they advocate for. That's really the core of this case."

Read and listen to the radio piece at: <http://bit.ly/2EMIE8e>.

Watch the television piece at: <http://bit.ly/2CG11XH> (Segment runs from :56-6:27).

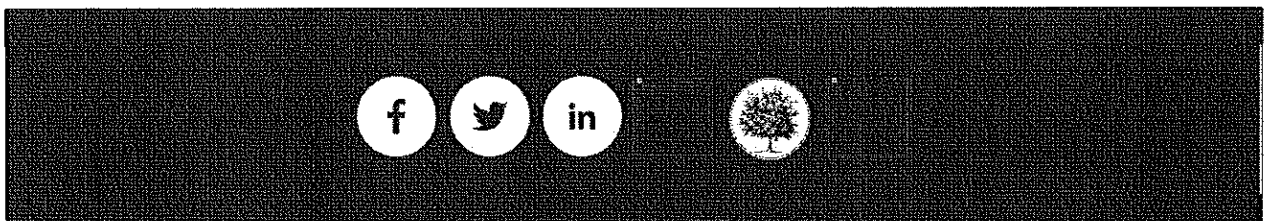


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Founded in 1989, The Buckeye Institute is an independent research and educational institution - a think tank - whose mission is to advance free-market public policy in the states.

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From: The Buckeye Institute

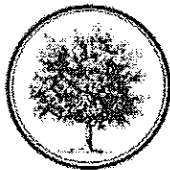
Sent: Monday, February 26, 2018 1:39 PM

To: Rep48

Subject: ICYMI: In a piece for National Review Buckeye's Robert Alt looks the funding of Janus v. AFSCME

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THE BUCKEYE INSTITUTE

In a **piece for National Review**, Buckeye's Robert Alt looks at the funding of *Janus v. AFSCME*, saying, "What is surprising is the fact that Mark Janus is personally funding a cadre of high-priced lawyers with one goal: making sure that Mark *loses* his case."

NATIONAL REVIEW

The Money Behind *Janus*: It's Deja vu All Over Again

National Review
By Robert Alt
February 26, 2018

This morning, the Supreme Court will hear oral arguments in *Janus v. American Federation of State, County, and Municipal Employees, Council 31*. The case asks a similar question to one raised just two years ago in *Friedrichs v. California Teachers Association* - namely whether forcing a public employee to choose between subsidizing a union's political speech or being subject to termination for failure to do so violates the First Amendment.

Coming so soon after *Friedrichs* - a case in which the Court deadlocked 4-4 after the tragic and untimely death of Justice Scalia - *Janus* has a déjà vu quality to it. The sense that we have seen all of this before is nowhere more palpable than in the public arguments marshaled by some of the more liberal elements of the media against Mark Janus's case.

Bereft of sufficient legal arguments to justify the First Amendment violations perpetuated against public servants, left-wing publications have resorted to attacking the messenger. Mark Janus, a child-support specialist for the state of Illinois, is accused of being an agent of big corporations and billionaires. The proof? The public-interest law firms that represent Mr. Janus - namely Liberty Justice Center and the National Right to Work Legal Foundation - are accused of taking donations from charitable foundations that support free-market policy.

Just as in *Friedrichs*, it is perfectly unsurprising that foundations and individuals voluntarily would give to non-profit, public-interest law firms that provide free representation to their clients. Indeed, public-interest firms on both the left and the right regularly rely on charitable donations to carry out their work.

What is surprising is the fact that Mark Janus is personally funding a cadre of high-priced lawyers with one goal: making sure that Mark *loses* his case. Why would he pay for the lawyers arguing against him? Because he has no choice. Mark is required to pay agency fees to the union, which are used for chargeable expenses like litigation, or he can be fired. And, of course, he is required to pay for political collective bargaining speech, or he can be fired.

This is the real story of the money behind the *Janus* case-a story of forced contributions for political speech. But the story could have a happy ending. The Supreme Court will hear arguments today in a case that could vindicate the First Amendment rights of

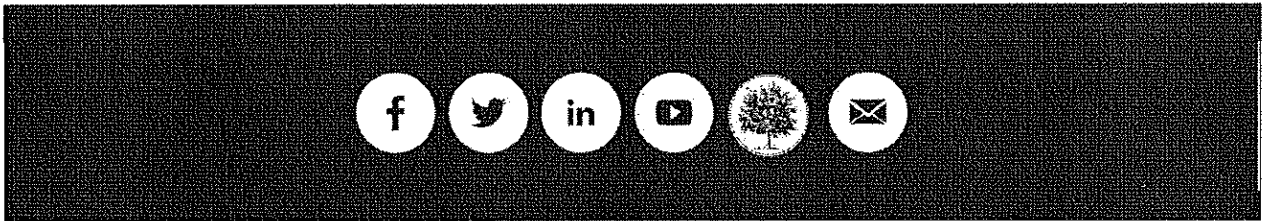
millions of Americans like Mark Janus. For Rebecca Friedrichs, for Mark Janus, and for all the workers who are being denied a voice and a choice, let's hope that the second time is the charm.

Robert Alt is the president and chief executive officer of The Buckeye Institute.

###

Founded in 1989, The Buckeye Institute is an independent research and educational institution - a think tank - whose mission is to advance free-market public policy in the states.

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Sent: Friday, April 13, 2018 5:02 AM
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Subject: For La. Judicial Nominee, The Safe Approach Turns Risky



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Friday, April 13, 2018

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Feature

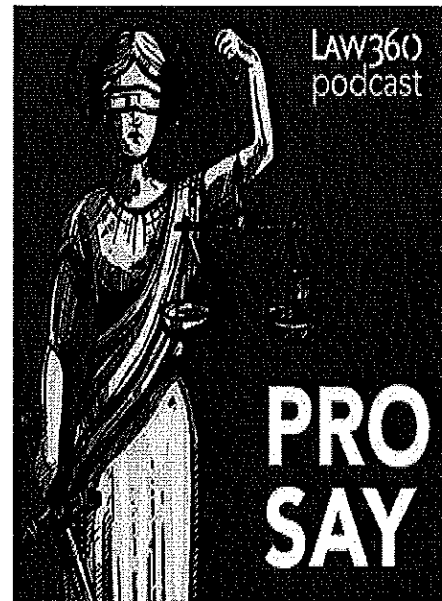
For La. Judicial Nominee, The Safe Approach Turns Risky

Wendy Vitter, a Republican lawyer tapped by President Donald Trump for the federal bench in Louisiana, may be in store for a tumultuous fight for her appointment despite following the typically pallid game plan employed by nearly all judicial picks when they appear before congressional confirmation hearings. Read more »

Judiciary Panel To Push Mueller Bill, Grassley Says

Senate Judiciary Committee Chairman Chuck Grassley intends to move forward on a bill to protect Special Counsel Robert Mueller from being fired, he said Thursday, despite his own misgivings with the measure and concerns in his party. Read more »

Trump Demands Changes To EPA Air Pollution Programs



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LAW FIRMS

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Baker McKenzie

President Donald Trump on Thursday instructed the U.S. Environmental Protection Agency to make it easier for states and industries to comply with national air emissions standards for pollutants like ozone, nitrogen dioxide and lead, a move promptly denounced by environmentalists [Read more »](#)

Senate Confirms Trump's Judicial Picks In Kan., Ky.

The Senate confirmed President Donald Trump's picks for judgeships in Kansas and the Western District of Kentucky Thursday, sending two private practice attorneys to the federal bench. [Read more »](#)

Facebook Drops Fight Against Calif. User Privacy Proposal

Facebook is backing off its opposition to a proposed ballot initiative in California that would allow consumers to find out more information about and have more control over the way businesses collect, use, share and sell their personal data, supporters of the initiative said. [Read more »](#)

Bill To Hike Judges' Salaries Heads To NJ Governor's Desk

A New Jersey bill that would give salary increases to certain state workers, including judges who have gone without raises for nearly a decade and make less than their federal counterparts, passed both houses of the state legislature Thursday and now heads to Gov. Phil Murphy's desk. [Read more »](#)

BANKING & SECURITIES

Dems Want Bank CEO Info On 'Quid Pro Quo' Army Sec. Deal

A pair of senior House Democrats on Thursday asked a bank CEO who was reportedly promised the Army secretary's role in exchange for loans to former Trump campaign chairman Paul Manafort to hand over information on those loans, and his contacts

Bryan Cave
Covington & Burling
Cravath Swaine
DLA Piper
Dechert
Drinker Biddle
Faegre Baker
Fenwick & West
Foley & Lardner
Frost Brown Todd
Gibson Dunn
Gupta Wessler
Hinkle Law Firm
Hogan Lovells
Holland & Knight
Jeffer Mangels
Kirkland & Ellis
Kostelanetz & Fink
Kramer Levin
Middleton Reutlinger
Morgan Lewis
O'Melveny & Myers
Paul Hastings
Potter Minton
Ropes & Gray
Saul Ewing
Shearman & Sterling
Sheppard Mullin
Siegel & Yee
SmithAmundsen LLC
Steptoe & Johnson LLP
Taft Stettinius
Van Ness Feldman
Wiley Rein
Wilkinson Barker
WilmerHale
Womble Bond Dickinson

COMPANIES

with the campaign, citing a letter from the U.S. Department of Defense they said had appeared to validate the allegation. Read more »

ENERGY & ENVIRONMENTAL

Senate Confirms Faegre Baker's Wheeler For EPA's No. 2 Post

The U.S. Senate on Thursday confirmed Faegre Baker Daniels LLP attorney and lobbyist Andrew Wheeler to serve as the U.S. Environmental Protection Agency's deputy administrator, putting in place a potential replacement who could step in as acting EPA chief if Administrator Scott Pruitt is fired or steps aside. Read more »

EPA To Let Calif. Tribes Design Own Water Quality Standards

Two California Native American tribes will now have the ability to develop their own water quality standards within their reservations under the federal Clean Water Act just as states are authorized to do, the U.S. Environmental Protection Agency announced Thursday. Read more »

HEALTH & LIFE SCIENCES

States Expanding Efforts To Tackle Prescription Drug Prices

State enforcers have played an important role in policing the pharmaceutical industry and prescription drug prices in particular, and their work in the area continues to expand, officials said during an event in Washington, D.C. on Thursday. Read more »

Visium Took Medicare Tips With 'Grain Of Salt,' Jury Hears

Former Visium Asset Management trader Christopher Plaford took health spending policy tips from expert consultant David Blaszcak with "a grain of salt," getting information from others alongside the man

3M Company
AAR Corporation
AT&T Inc.
AbbVie Inc.
Airbnb Inc.
American Bar Association
American Civil Liberties Union
American Federation of Labor and Congress of Industrial Organizations
American Gaming Association
Apple Inc.
Association of American Railroads
Barnes & Noble Inc.
Booking.com BV
Burford Capital LLC
CTIA
Cable News Network Inc.
Charter Communications Inc.
Comcast Corporation
Competitive Carriers Association
Competitive Enterprise Institute
DISH Network Corporation
Deerfield Management Co. LP
Duke Energy Corporation
ESPN Inc.
Environmental Defense Fund Inc.
Equifax Inc.
Facebook
FedEx Corporation
FirstEnergy Corp.
Gentiva Health Services, Inc.
Google Inc.
Home Box Office Inc.
International Brotherhood of Electrical Workers
International Trademark Association
Johnson & Johnson

charged with feeding secret Medicare and Medicaid information to Wall Street, a Manhattan jury heard Thursday. [Read more »](#)

IP & TECHNOLOGY

Booking.com Asks Full 4th Circ. To Nix USPTO Atty Fee Rule

Booking.com is pushing for an unusual fast-track appeal to the en banc Fourth Circuit after it was ordered to pay the U.S. Patent and Trademark Office a whopping \$76,000 in attorneys' fees even after winning a case. [Read more »](#)

MEDIA & ENTERTAINMENT

Major League Unions Want In On Sports Betting Rodeo

As a 25-year-old federal ban on sports gambling nears its possible demise in the U.S. Supreme Court, unions representing players in the four major professional sports leagues Thursday demanded an equal voice in the legalization conversation that has been dominated by the states, the leagues' governing organizations and the gambling industry. [Read more »](#)

Invalid Arguments Raised In E-Filing Row, News Outfit Says

A legal news organization told the Seventh Circuit on Thursday that an Illinois county court clerk should not be allowed to raise new arguments to the appellate panel that she did not make to the district judge who ordered her to make e-filed legal complaints available to the public immediately. [Read more »](#)

TRANSPORTATION & INFRASTRUCTURE

Analysis

What To Watch As The Surface Transportation Board Staffs Up

Kinder Morgan
Knorr-Bremse AG
Major League Baseball Inc.
Major League Baseball Players Association
Medtronic Inc.
Microsoft Corporation
Murray Energy Corp.
NBCUniversal Inc.
NFL Enterprises LLC
National Basketball Association
National Basketball Players Association
National Express Transit Corp.
National Football League Players Association
National Hockey League
National Hockey League Players Association
Nationwide Mutual Insurance Co.
New Jersey State Bar Association
News Corp.
Northern Mariana Islands Retirement Fund
Novartis AG
Nuclear Energy Institute
Planned Parenthood Federation
Procter & Gamble Co.
Russell Reynolds Associates Inc.
SAIC Inc.
Sierra Club
Sinclair Broadcast Group, Inc.
Southeastern Pennsylvania Transportation Authority
Straight Path Communications Inc.
TBS International Limited
Tax Foundation
The DIRECTV Group, Inc.
The Fertilizer Institute

The Surface Transportation Board is inching closer to filling out its ranks if President Donald Trump's two nominees are confirmed, enabling the rail regulator to more swiftly tackle long-anticipated new rules to stimulate rail competition and smooth out high-profile rate and service disputes along the country's railways. [Read more »](#)

REAL ESTATE

Analysis

LA Decision 'Blows The Myth' About Property Rental Rules

A recent decision siding with a property owner in a dispute over an alleged illegal Los Angeles hotel operation has brought front and center that the city's antiquated code actually says nothing about short-term rentals — despite the common view that apartments must be rented long-term — and comes as Los Angeles grapples with the question of regulation. [Read more »](#)

EMPLOYMENT

Senate OKs Trump Pick For Deputy Labor Secretary

The U.S. Senate on Thursday confirmed Patrick Pizzella as deputy labor secretary, filling one of several top political positions at the U.S. Department of Labor that have remained unfilled more than a year into President Donald Trump's administration. [Read more »](#)

Trump's Labor Dept. Issues First New Opinion Letters

The U.S. Department of Labor's Wage and Hour Division issued its first set of new opinion letters in nearly a decade Thursday, laying out its stances on when workers should be paid for health-related rest breaks and time spent traveling for work, and what forms of lump-sum

Thomson Reuters Corporation
Time Warner Inc.
Toyota Motor Corporation
Tribune Media Co.
Turner Broadcasting System Inc.
Twitter Inc.
U.S. Chamber of Commerce
U.S. Foods Inc.
United Federation of Teachers
Verizon Communications
Viacom Inc.
VirnetX Holding Corporation
Wabtec Corporate
Wolters Kluwer
XTO Energy Inc.
Xcel Energy Inc.
eBay Inc.

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Bureau of Citizenship and
Immigration Services
Bureau of Indian Affairs
Bureau of Labor Statistics
Cherokee Nation
Consumer Financial Protection
Bureau
Department of Commerce
Eastern Band of Cherokee Indians
Equal Employment Opportunity
Commission
European Union
Executive Office of the President
Federal Bureau of Investigation
Federal Communications
Commission
Federal Energy Regulatory
Commission
Federal Labor Relations Authority
Federal Reserve System
Federal Trade Commission

payment should be garnished for child support.
Read more »

Labor Chief Defends Spiking Tip Pool Data To Senators

Labor Secretary Alex Acosta on Thursday defended his decision not to disclose the share of workers' tips that the U.S. Department of Labor estimated employers would have pocketed under its December proposal to undo Obama-era restrictions on tip pooling in a relatively cordial hearing before a U.S. Senate appropriations subcommittee. Read more »

Cuomo Signs Law Beefing Up Public Unions Ahead Of Janus

New York Gov. Andrew Cuomo signed legislation Thursday bolstering the rights of public-sector unions in the state, a preemptive strike against an anticipated decision by the U.S. Supreme Court siding with worker Mark Janus in his challenge to the constitutionality of so-called agency fees, a ruling that could deal a major blow to organized labor. Read more »

NJ Senate Sends Sick Leave Bill To Gov. Murphy's Desk

New Jersey legislation that would require employers to provide earned sick leave to their workers in the state is now bound for Gov. Phil Murphy, with the state Senate on Thursday passing the bill that supporters have said would protect employees and public health in general. Read more »

COMPETITION

AT&T-Time Warner Expert Says DOJ Has 'No Statistical Basis'

AT&T and Time Warner sought Thursday to eviscerate every part of the economics of the U.S. Department of Justice challenge against their merger in D.C. federal court, presenting their own expert witness to systemically criticize virtually every conclusion, and every

Food and Drug Administration
Government Accountability Office
Illinois Supreme Court
Indian Health Service
Internal Revenue Service
International Trade Administration
Iowa Legislature
Jamestown S'Klallam Tribe
La Jolla Band of Luiseno Mission Indians
Morongo Band of Mission Indians
NAFTA
National Economic Council
National Labor Relations Board
Navajo Nation
New Jersey Judiciary Court System
New Jersey Legislature
New York Attorney General's Office
Occupational Safety and Health Administration
Rincon Band of Luiseno Mission Indians
Rural Utilities Service
St. Croix Chippewa Indians of Wisconsin
State Intellectual Property Office of the PRC
Surface Transportation Board
Texas Department of Public Safety
U.S. Department of Agriculture
U.S. Department of Defense
U.S. Department of Energy
U.S. Department of Health and Human Services
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Labor

unconsidered variable, to come from his counterpart. [Read more »](#)

CONSUMER PROTECTION

OMB Head At Helm Thwarts CFPB Autonomy, DC Circ. Told

The D.C. Circuit judges hearing the former acting Consumer Financial Protection Bureau director's case to regain her post indicated in court Thursday that they are still weighing whether the 2010 law that created the CFPB carves out an exception to the 1998 law governing federal appointments. [Read more »](#)

Mulvaney Quizzed By Senators On CFPB Leadership, Data

Consumer Financial Protection Bureau acting Director Mick Mulvaney told senators Thursday that if they don't like the job he is doing as the nation's top consumer financial watchdog, they must change the law to put him on more of a leash, as he fielded questions about the agency's rulemaking, enforcement activity, data collection and more. [Read more »](#)

INTERNATIONAL TRADE

Trump Reconsidering TPP As NAFTA Talks Trudge On

A number of Republican senators revealed Thursday that President Donald Trump is considering rejoining the Trans-Pacific Partnership, the regional trade accord he abandoned soon after taking office before shifting his focus to reshaping the North American Free Trade Agreement. [Read more »](#)

Feds Look To Curb Trade Barriers For US Hardware Makers

The U.S. Department of Commerce is developing a plan to counteract trade barriers that "arbitrarily discriminate" against U.S. producers of information and communication technology hardware, according to a filing

U.S. Department of the Interior
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. House of Representatives
U.S. Immigration and Customs Enforcement
U.S. Patent and Trademark Office
U.S. Senate
U.S. Supreme Court
Wage and Hour Division
World Trade Organization

published in the Federal Register on Thursday.
[Read more »](#)

US-China Spat Could Imperil Trade Growth, WTO Boss Warns

The ever-escalating standoff between the U.S. and China may pose a significant threat to global trade at large if left unchecked, World Trade Organization Director-General Roberto Azevedo said Thursday, on the heels of a report that the rising tensions are already creating waves. [Read more »](#)

TAX

Future Tax Regulations No Longer Exempt From OMB Reviews

Proposed tax regulations will no longer be exempt from the review process most other federal regulations undergo, the Office of Management and Budget and the U.S. Department of the Treasury announced Thursday in a memorandum of agreement. [Read more »](#)

Analysis

Tax Court Unlikely To Be Swayed By 1st Circ. IRA Ruling

The U.S. Tax Court and the First Circuit recently reached opposite conclusions in two similar cases on the taxability of individual retirement account contributions, but the Tax Court may be hard-pressed to follow the appellate court's more taxpayer-friendly decision if it means weakening an important tool for the Internal Revenue Service to enforce tax laws. [Read more »](#)

IRS To Issue Tax Law Forms And Instructions By Summer

The Internal Revenue Service will publish new forms and instructions related to the recent tax overhaul legislation by this summer, the agency's top official told lawmakers on Thursday. [Read more »](#)

OMB May Review Pass-Through Provision, Treasury GC Says

The pass-through provision included in the recent federal tax overhaul legislation likely will be reviewed by the Office of Management and Budget, the U.S. Treasury Department general counsel told senators on Thursday. [Read more »](#)

NJ Assembly Passes Charitable Donation SALT Workaround

A bill in the New Jersey Legislature that would provide property tax credits to taxpayers making certain qualified charitable donations — an effort to counter a provision in the federal tax reform law that limits federal state and local tax deductions to \$10,000 — passed both houses Thursday, making its way to Gov. Phil Murphy. [Read more »](#)

IMMIGRATION

US Gov't Is Sued Over Citizenship Question On Census

The Trump administration is violating the U.S. Constitution and several federal laws by adding to the 2020 census a question about whether or not an individual is a U.S. citizen, according to a complaint filed in Maryland federal court on Thursday. [Read more »](#)

Migrant Caravan Requires More Border Agents, Congress Told

Law enforcement representatives urged Congress to increase resources for border enforcement at a House Oversight Committee hearing Thursday to deal with a caravan of Central American migrants trying to cross the southwest border without authorization. [Read more »](#)

Trump Admin. Can't Deny DOJ Grants To 'Sanctuary' Cities

A California federal judge granted a win to so-called sanctuary cities Wednesday by imposing a permanent, nationwide ban that

would prevent the Trump administration from placing certain immigration-related conditions on community policing grants administered by the U.S. Department of Justice. [Read more »](#)

Iowa Governor Signs Anti-Sanctuary City Law

Iowa Republican Gov. Kim Reynolds on Tuesday signed into law a bill that would penalize sanctuary cities by cutting off all of their state funding. [Read more »](#)

Married Couples Sue Gov't For Detaining Immigrant Spouses

A putative class of married couples has accused the government in Massachusetts federal court of unlawfully detaining and trying to deport immigrant spouses who are seeking permanent residency in the U.S. and are married to U.S. citizens. [Read more »](#)

NATIVE AMERICAN

Senate Panel OKs Indian Health Service, Contract Bills

The Senate Committee on Indian Affairs approved bills on Wednesday that would overhaul the embattled Indian Health Service and give Native American tribes more control over how they run federal programs under contracts with the federal government. [Read more »](#)

Task Force Makes 11 Drug-Related Arrests On Tribal Lands

The U.S. Department of the Interior on Wednesday announced 11 drug-possession arrests after a raid in New Mexico by a new joint task force that was launched as part of the federal government's steps to tackle the opioid crisis in Native American communities. [Read more »](#)

TELECOMMUNICATIONS

Feature

What's In Store For FCC Media Ownership Deregulation

Under Chairman Ajit Pai, the Federal Communications Commission has set an aggressive agenda of relaxing or wholly scrapping rules intended to limit the influence of nationwide broadcasters and to keep media consolidation at bay. [Read more »](#)

Wireless Industry Group Presses FCC On High-Band Auctions

The CTIA, an industry group representing wireless companies, is encouraging the Federal Communications Commission to quickly finalize plans for upcoming auctions in the 24 and 28 gigahertz bands and set dates for auctions in other high-frequency bands, in hopes of freeing as much spectrum as possible for the race to 5G. [Read more »](#)

FCC Commish Urges USDA Cooperation On Rural Broadband

The U.S. Department of Agriculture must coordinate with the Federal Communications Commission to ensure a newly created \$600 million pilot program for rural broadband deployment is administered effectively, FCC Commissioner Michael O'Rielly said Wednesday. [Read more »](#)

EXPERT ANALYSIS

Unraveling FDA's Recent Flurry Of Tobacco Activity

Last month, the U.S. Food and Drug Administration issued three advance notices of proposed rulemaking related to nicotine. However, tackling any of the issues raised would be a significant undertaking on its own, and some are skeptical that any of the proposals will move forward, says Jonathan Havens of Saul Ewing Arnstein & Lehr LLP. [Read more »](#)

What Cos. Need To Know About China's New Market Regulator

As part of a sweeping government restructuring plan announced last month, China is merging a range of government agencies into the new State Market Regulatory Administration. Multinational companies doing business in China must pay close attention to how functions within the newly consolidated agency will be organized, say attorneys with Ropes & Gray LLP. [Read more »](#)

Finance-Savvy Millennials Are Shifting Business Of Law

The impact of millennials has already been felt within the legal community by our eagerness to embrace new technologies. One way that we will have potentially even more impact lies in our willingness to embrace new ways of developing business and financing law, says Michael Perich of Burford Capital LLC. [Read more »](#)

LEGAL INDUSTRY

Firms Without Women Won't Get Our Business, GCs Say

If a law firm hasn't made gender diversity a priority in its teams handling corporate cases, it won't be competitive for company business, a panel of general counsel for major companies said at a conference on women in the courtroom in Chicago Thursday. [Read more »](#)

No-Poach Guidance Caught In-House Counsel Off Guard

Corporate legal departments were caught off guard by the U.S. Department of Justice's 2016 guidance signalling that the agency would criminally prosecute certain employment-related agreements between companies, and a panel of in-house leaders said Thursday they're waiting for further developments in the space. [Read more »](#)

Minority Lawyers Group Kicks Off Leadership Diversity Effort

The Minority Corporate Counsel Association has partnered with Microsoft Corp. to launch a new data-driven initiative designed to give law firms and legal departments a road map for how to cultivate a more diverse bench of leaders, the organization said in a statement Thursday. [Read more »](#)

Fenwick To Move NYC Office To Tech Hub Flatiron District

Fenwick & West LLP said Thursday it will more than double the footprint of its New York City office when it relocates to the technology-friendly Flatiron District, a move the firm said will benefit its tech and life sciences clients. [Read more »](#)

Law360's Weekly Verdict: Legal Lions & Lambs

Hogan Lovells LLP topped this week's legal lions list, guiding client Novartis on an \$8.7 billion deal to take over gene therapy company Avexis, while Kirkland & Ellis LLP ended up a legal lamb after a jury found its client Apple willfully infringed a network security patent, potentially putting the tech giant on the hook for more than \$1.5 billion in damages. [Read more »](#)

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From: Heartland Government Relations

Sent: Friday, June 22, 2018 1:02 PM

To: Rep48

Subject: The Leaflet: Millions May Soon Gain the Right to Work



Millions May Soon Gain the Right to Work

The U.S. Supreme Court will soon release its ruling on the viability of public sector unions. In the landmark case *Janus v. American Federation of State, County, and Municipal Employees* (AFSCME), the court will determine whether forced union dues are an infringement of state and local government workers' rights to freedom of speech and association.

Proponents of "open shop" or "right-to-work" (RTW) laws are confident the court will overturn *Abood v. Detroit Board of Education* (DBE), a 1977 Supreme Court decision that upheld the right for public unions to collect "fair share" or "agency fees" from non-union employees. The plaintiff in *Janus v. AFSCME*, Mark Janus, is an Illinois state employee who argued agency fees are a violation of his First Amendment rights, especially given the inherent political nature of public sector collective bargaining.

Although it is illegal to compel union membership, non-union public workers in states without RTW must often fork over agency fees to unions. These fees are used to support union collective bargaining activities and contract enforcements. Currently, state laws mandate all union and non-union public employees are represented in the collective

bargaining process by a democratically elected union, which becomes the exclusive bargaining representative.

Opponents of RTW laws argue workers who opt out of union membership should pay a fee, albeit one that is lower than union dues. Furthermore, RTW foes contend non-union employees receive the advantage of union-negotiated collective-bargaining agreements, such as high wages and top-tier benefits.

In a new *Research & Commentary*, Heartland Senior Policy Analyst Matthew Glans comments on the ramifications of a ruling in favor of Janus. "In anticipation of the upcoming ruling, many states have passed new laws, either strengthening unions or making it easier for state workers to opt out without penalties," Glans wrote.

Instead of imposing rules limiting workers' freedoms, Glans argues, "States can implement paycheck protection laws, and give workers control over their wages. States can also implement an opt-in standard for union participation, where a new worker has to choose to be in a union when they start a new job, instead of choosing to opt out. If ending the current opt-out standard is not possible, states can improve the process by requiring an opt-out only once per job or when a worker changes jobs, instead of having to wait until the end of a 12-month period."

Currently, 28 states have RTW laws, and a decision in favor of Janus should not deter the 22 other states from passing RTW laws. These laws govern all employees within the state, so both private- and public-sector workers are not obligated to pay union fees as a condition of employment. In the wake of *Janus v. AFSCME*, state legislators should pass "open shop" laws to secure the fundamental right to free speech and association for millions of workers and to grant workers sufficient notice and time to make an informed decision regarding union membership.

What We're Working On

Education

Funding Formula Committee Has Chance to Transform Public Education in Idaho

In this *Research & Commentary*, Policy Analyst Tim Benson examines how for the first time since 1994 Idaho's Public School Funding Formula Committee is considering dramatically altering the method the state uses to allot public school funding. To accommodate budgetary concerns and revolutionary shifts in the classroom, the committee will recommend changes that could be implemented in the 2019 legislative session. Benson argues the committee has an opportunity to fundamentally transform public education in Idaho by shifting the funding formula to a child-centric model, where funding follows students, not schools.

Energy & Environment

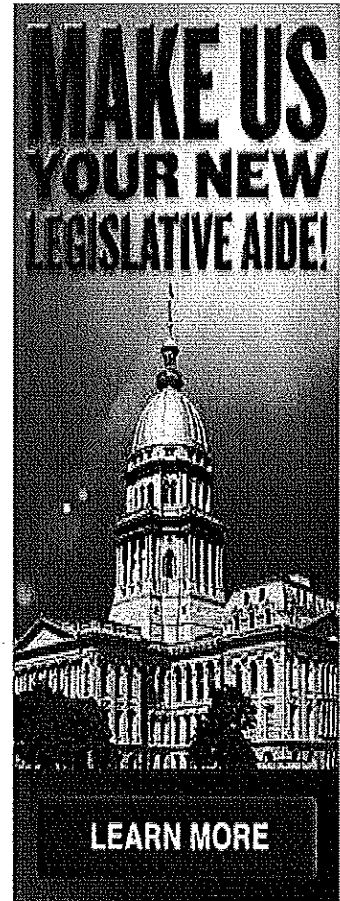
The Social Benefits of Fossil Fuels

This *Policy Brief* by Senior Fellows Joseph Bast and Peter Ferrara documents the many benefits from the historic and still ongoing use of fossil fuels. Fossil fuels are lifting billions of people out of poverty, reducing all the negative effects of poverty on human health, and vastly improving human well-being and safety by powering labor-saving and life-protecting technologies, such as air conditioning, modern medicine, and cars and trucks. Fossil fuels are also dramatically increasing the quantity of food humans produce and improving the reliability of the food supply, directly benefiting human health. Additionally, fossil fuel emissions are contributing to a "Greening of the Earth," benefiting all plants and wildlife.

Budget & Tax

Increasing Vaping Tax Would Hurt New Jerseyans Trying to Quit

In this *Research & Commentary*, Senior Policy Analyst Matthew Glans and State Government Relations Manager Lindsey Stroud examine a new tax on vaping products now under consideration in New Jersey. "Imposing excise taxes on vapor products are not justified from a public health



perspective, and it removes a prime economic incentive for smokers to improve their health by switching to e-cigarettes," wrote Glans and Stroud.

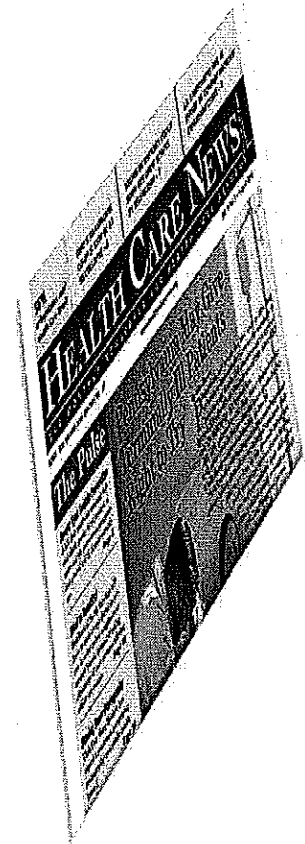
Health Care

Free To Choose Medicine in Japan: A Model for America

In this Heartland *Policy Brief*, Research Director Edward Hudgins examines Japan's efforts to adopt a Free To Choose Medicine model for cutting-edge tissue based cures. Hudgins also explains why Japan's success should encourage lawmakers in the United States to adopt a similar model here. "The United States is the world's leader in medical innovations, but Japan has become the innovative world leader in creating a drug-approval process that quickly makes medical breakthroughs accessible to the patients who need them the most. American policymakers need to learn from the Japanese example to ensure U.S. medical innovators do not lose their competitive edge and that the goal of these innovations is achieved: preventing and curing illnesses," wrote Hudgins.

From Our Free-Market Friends

Illinois Lawmaker Proposes Making Chicago Its Own State
In this piece published by the Illinois Policy Institute, Joe Kaiser writes about Illinois state Rep. Reggie Phillips' proposal urging "Congress to take action to declare the City of Chicago the 51st state." The possibility of Chicago becoming a state was once proposed by state Rep. Bill Mitchell, in 2011. The previous effort proved to be unsuccessful and didn't gain much support, and this new proposal looks as though it will have the same fate, as it was not voted on prior to the end of the legislative session in May. Kaiser makes the argument that "politicians would be better served focusing on reforms to make the entire state competitive, which would eliminate the contention between Chicagoans and those in the rest of the state.



In the June issue of *Health Care News*, Zachary Williams reports on the Trump administration's new proposals to lower prescription drug prices. The proposals feature four pillars: improved competition, better negotiation, incentives for lower list prices, and

reducing out-of-pocket costs.

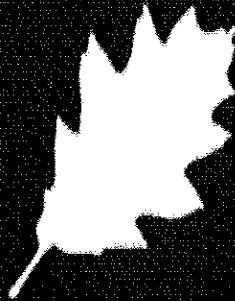
School Reform News

Environment & Climate News

Budget & Tax News

The Heartland Institute

The Heartland Institute, founded in 1984, is a national non-profit organization dedicated to discovering, developing, and promoting free-market solutions to economic and social problems.



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Heartland Government Relations
The Heartland Institute
3939 North Wilke Road
Arlington Heights, IL 60004

iContact
TRY IT FOR FREE

From: Public Policy Law360

Sent: Wednesday, June 27, 2018 10:19 AM

To: Rep48

Subject: BREAKING: High Court Rules Against Unions In Battle Over Public Worker Fees



Wednesday, June 27, 2018



BREAKING: High Court Rules Against Unions In Battle Over Public Worker Fees

The U.S. Supreme Court on Wednesday held that public-sector workers who aren't union members can't be forced to pay "agency fees" that cover the cost of collective bargaining, overturning 41-year-old precedent that found those fees constitutional and dealing a financial blow to organized labor.

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American Federation of State,
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National Right to Work Legal
Defense Foundation

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U.S. Supreme Court

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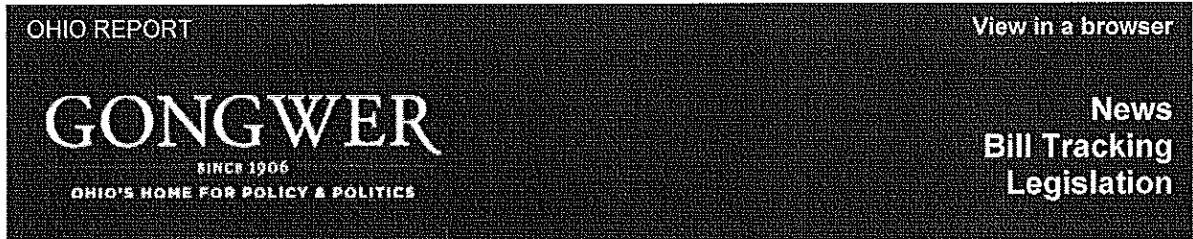
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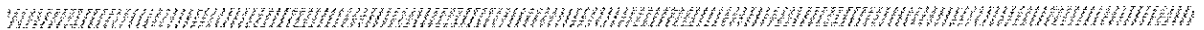
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From: Gongwer News Service
Sent: Wednesday, June 27, 2018 10:08 PM
To: Rep48
Subject: Ohio Report, Wednesday, June 27, 2018
Attachments: Jun27Senate.htm; 180627dayplan.htm; Jun27.htm; Jun27House.htm



OHIO REPORT WEDNESDAY, JUNE 27



Lake Erie, Voting Machine Funding Among Bills Headed To Governor

Bills On Religion, Pharmacy Benefit Managers Among Dozens Backed By House

Senate Passes Measures Focused On Reducing Regulations

Bills Amended To Enhance Online School Oversight Head To Governor

Senate Panel Delays Vote On Energy Standards, Wind Setback Bill

Proposed Regulations Inspired By State Fair Ride Death Get Initial Hearing

High Court Strikes Down 'Agency Fees' For Public Sector Unions; Kennedy Announces Retirement

Chairman: Senate Looking For Balance With Payday Lending Measure

[illegible]

House

Senate

CALENDARS

Day Planner

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Senate Activity for Wednesday, June 27, 2018

INTRODUCED

SB 313 ■ **COLLEGE APPLICATION MONTH** (Schiavoni, J.) To establish the College Application Month program. Am. 3314.03, 3326.11, and 3328.24 and to enact sections 3313.6024 and 3333.301.

SB 314 ■ **SCHOOL PSYCHOLOGISTS** (Schiavoni, J.) With regard to mental health services in public and nonpublic schools, to require school districts to employ school psychologists and intervention specialists, to provide an additional state payment to school districts for school psychologist and intervention specialist services, and to make an appropriation. Am. sections 3314.03 and 3326.11 and to enact sections 3301.0730, 3317.26, 3319.077, and 3319.078 of the Revised Code and to amend Section 265.10 of Am. Sub. H.B. 49 of the 132nd General Assembly and Section 265.210 of Am. Sub. H.B. 49 of the 132nd General Assembly, as subsequently amended.

PASSED

HB 18 ■ **SPECIAL ELECTIONS** (Pelanda, D., Retherford, W.) to eliminate the requirement of holding a special election to fill a vacancy in a party nomination for the office of representative to Congress under certain circumstances; to authorize local elected officers that have levied a hotel lodging excise tax, or a designee of such officers, to simultaneously hold the position of officer or member of the board of trustees of a convention and visitors' bureau without constituting incompatible offices; and to require that, upon request, county auditors, municipal fiscal officers, and their employees must share lodging tax return information with the directors of convention and visitors' bureaus operating in their counties.

(32-0 (Earlier REPORTED-SUBSTITUTE))

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HB 87 ■ **COMMUNITY SCHOOLS** (Roegner, K.) Regarding public moneys returned to the state as a result of a finding for recovery issued pursuant to an audit of the enrollment records of a community school, to clarify the time period within which a school district emergency levy or substitute levy may be renewed or replaced, to clarify the responsibilities of a school district treasurer regarding the signing or executing of certain documents, to require the State Board of

Education to adopt standards for learning management software for internet- and computer-based community schools, regarding qualification for state payments by internet- or computer-based community schools, regarding joint health and medical insurance programs by political subdivisions and county boards of developmental disabilities, regarding submission of five-year financial forecasts by public schools, and regarding the moratorium on certain provisions affecting community schools and school districts whose enrollments were affected due to enrolling students of a suspended e-school. 32-0 (Schiavoni & Skindell) Earlier REPORTED-AMENDED

Gongwer Coverage

HB 95 ■

DISTRACTED DRIVING (Hughes, J., Seitz, B.) To establish an enhanced penalty for committing a moving violation while distracted if the distraction is the apparent cause of the violation and to reenact provisions of law that specified that certain electronic wireless communications device violations were allied offenses of similar import.

31-1 (Jordan)

Gongwer Coverage

HB 168 ■

CEMETERY REGISTRATION (Stein, D.) To modify duties of the Division of Real Estate in the Department of Commerce regarding cemetery registration, to specify cemetery owners must reasonably maintain cemeteries, to establish the Cemetery Grant Program, to allow the Board of Embalmers and Funeral Directors to review and vote upon certain license suspensions by telephone, to make various other changes to the embalmers, funeral directors, and crematory licensing laws, and to make an appropriation.

32-0

Gongwer Coverage

HB 263 ■

OUTDOOR DINING AREAS (Lanese, L.) To generally allow an owner, keeper, or harbinger of a dog to take the dog in an outdoor dining area of a retail food establishment or food service operation.

32-0

Gongwer Coverage

HB 312 ■

POLITICAL SUBDIVISION SPENDING (Schuring, K., Greenspan, D.) To regulate the use of credit cards and debit cards by political subdivisions, to modify the duties and powers of the Auditor of State, to specify that electronic submission of a public record request entitles the requestor to damages if the public office fails to comply with the Public Records Act, to make changes to

the law governing financial planning and supervision commissions, and to authorize a property tax abatement for certain property subject to a submerged land lease and held by a municipal corporation.

32-0 (Earlier REPORTED-SUBSTITUTE (No testimony)

Gongwer Coverage

HB 336 ■ **LICENSE FEES (Barnes, J., Greenspan, D.)** To prohibit the imposition of driver's license and temporary instruction permit reinstatement fees in specified circumstances and to name this act the Reinstatement Fee Amnesty Initiative.

32-0

Gongwer Coverage

HB 347 ■ **ROAD NAMING (Kelly, B., Dever, J.)** To designate multiple memorial highways.

32-0 (Earlier REPORTED-SUBSTITUTE)

Gongwer Coverage

SB 119 ■ **OPIOID MEDICATIONS (Hackett, B., Hottinger, J.)** Regarding naltrexone and medication-assisted treatment.

32-0

Gongwer Coverage

SB 229 ■ **CONTROLLED SUBSTANCES (Eklund, J.)** To modify the laws pertaining to regulation of controlled substances and to make other changes in the laws administered by the State Board of Pharmacy.

32-0

Gongwer Coverage

SB 255 ■ **OCCUPATIONAL LICENSING (McColley, R.)** To establish a statewide policy on occupational regulation, to require standing committees of the General Assembly to periodically review occupational licensing boards regarding their sunset, and to require the Legislative Service Commission to perform assessments of occupational licensing bills and state regulation of occupations.

24-8 (Earlier REPORTED-SUBSTITUTE)

Gongwer Coverage

SB 273 ■ **RATING AGENCIES** (Hackett, B.) To enact for the Revised Code a definition of the term "rating agency."

32-0

Gongwer Coverage

SB 293 ■ **ADMINISTRATIVE REGULATIONS** (Peterson, B., McColley, R.) To require agencies to reduce the number of regulatory restrictions.

23-9 (Earlier REPORTED-SUBSTITUTE)

Gongwer Coverage

SCR 21 ■ **APPALACHIAN STORAGE HUB** (Balderson, T.) To urge the Congress of the United States to enact various bills advancing the development of an Appalachian storage hub.

31-1 (Skindell)

Gongwer Coverage

SCR 23 ■ **FEDERALISM** (Obhof, L., Peterson, B.) To reassert the principles of federalism found throughout the Constitution of the United States of America and embodied in the Tenth Amendment, to notify Congress to limit and end certain mandates, and to insist that federal legislation contravening the Tenth Amendment be prohibited or repealed.

25-7

Gongwer Coverage

INFORMALLY PASSED

SB 86 ■ **DAY DESIGNATION** (Hackett, B.) To designate multiple memorial highways and bridges, to create multiple nonstandard license plates, to create multiple special designations, and to designate John Glenn's childhood home as a state historic site.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 66 ■ **CRIMINAL LAWS** (Eklund, J., Tavares, C.) To modify criminal sentencing and corrections law by including the promotion of effective rehabilitation as a purpose of felony sentencing, removing the one-year minimum for presumptive fourth or fifth degree felony community control sanctions, modifying sanctions for a violation of a community control condition, modifying the manner of calculating confinement credits, modifying eligibility

criteria and procedures for granting pre-trial diversion and intervention in lieu of conviction, making offenders convicted of certain multiple fourth or fifth degree felonies eligible for conviction record sealing, revising procedures for the Adult Parole Authority to grant a final release or terminate post-release control, and modifying the criteria for considering a prison term sanction for a post-release control violation; to extend the State Highway Patrol's authority to enforce criminal laws to also apply to the Northeast Ohio Correctional Center; to modify the penalty for an employer's failure to remit state income taxes withheld from an employee; and to authorize the conveyance of state-owned real estate.

29-0

Gongwer Coverage

SB 127 ■

WASTE COLLECTION VEHICLES (LaRose, F.) To require motor vehicle operators to take certain actions upon approaching a stationary waste collection vehicle collecting refuse on a roadside.

29-0

Gongwer Coverage

SB 135 ■

VOTING EQUIPMENT (LaRose, F.) To make supplemental operating appropriations for the FY 2018-FY 2019 biennium and supplemental capital appropriations for the FY 2017-FY 2018 biennium to implement a voting machine and equipment acquisition program.

31-1 (Jordan)

Gongwer Coverage

SB 216 ■

SCHOOL REGULATIONS (Huffman, M.) To enact the "Ohio Public School Deregulation Act" regarding the administration of preschool and primary and secondary education programs, to add the territory of Summit County to the Stark State College District, and to prescribe procedures for appointing the board of trustees of the combined technical college district.

28-1 (Brown)

Gongwer Coverage

SB 220 ■

CYBERSECURITY (Hackett, B., Bacon, K.) To provide a legal safe harbor to covered entities that implement a specified cybersecurity program, to allow transactions recorded by blockchain technology under the Uniform Electronic Transactions Act, and to alter the definition of "key employee" under the Casino Gaming Law.

29-0

Gongwer Coverage

SB 221 ■ **AGENCY RULEMAKING (Uecker, J.)** To reform agency rule-making and legislative review thereof.

23-6

Gongwer Coverage

SB 239 ■ **REGIONAL GOVERNMENT COUNCILS (Dolan, M.)** To modify the law concerning regional councils of governments to clarify that a municipal corporation eligible to designate a tourism development district may designate more than one district, to specify that the American Law Institute's approved "Restatement of the Law, Liability Insurance" does not constitute the public policy of Ohio, to designate a portion of U.S. Route 33 in Meigs County as the "Steve Story Memorial Highway," to designate a portion of Interstate Route 270 in Franklin County as the "Officers Anthony Morelli and Eric Joering Memorial Highway," and to designate the portion of U.S. Route 24 in Henry County as the "Henry County Veterans Highway."

29-0

Gongwer Coverage

SB 299 ■ **WATER IMPROVEMENTS (Gardner, R., O'Brien, S.)** To credit additional amounts of the Local Government Fund to fund public safety services in areas that experienced a 30% or more decrease in the taxable value of certain power plants between 2016 and 2017, to phase out the payments over ten years, to increase the appropriation to the Local Government Fund; to support broadband development; to establish the OhioCorps Pilot Project; and to make appropriations, including appropriations for the protection and preservation of Lake Erie and the National Guard Scholarship Program.

29-0

Gongwer Coverage

CONFERENCE REPORT ADOPTED

SB 1 ■ **DRUG OFFENSES (LaRose, F.)** To increase penalties for drug trafficking violations, drug possession violations, and aggravated funding of drug trafficking when the drug involved in the offense is a fentanyl-related compound, except for drug possession violations when the fentanyl-related compound is combined with marihuana or a Schedule III, IV, or V controlled substance and the offender did not know of the fentanyl content; to revise the manner of determining sentence for certain violations of the offense of